



Joint Committee of the Senate and the House of Commons
ON

CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

Joint Chairmen:—The Honourable Senator Salter A. Hayden
and
Mr. Don F. Brown, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 19

THURSDAY, MAY 12, 1955

WITNESS:

Mr. Clinton T. Duffy, Member, Adult Authority, Department of Correc-
tion, Sacramento, California.

APPENDIX A (CAPITAL PUNISHMENT):

- Part I —Alternate Methods of Legal Executions.
- Part II —Description, etc., of San Quentin Gas Chamber.
- Part III—Medical Records of Lethal Gas Executions.
- Part IV—Views on Capital Punishment.

APPENDIX B (CORPORAL PUNISHMENT):

- Part I —Comments and Views on Corporal Punishment.
- Part II —Typical Prisoner Case Summary.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955

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A. Small,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 12, 1955.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met at 10 a.m. The Joint Chairman, Mr. Don F. Brown, presided.

Present:

The Senate: The Honourable Senators Aseltine, Fergusson, Hayden, Hodges, McDonald, Tremblay, and Veniot.—(7).

The House of Commons: Miss Bennett, Messrs. Boisvert, Brown (*Brantford*), Brown (*Essex West*), Fairey, Leduc (*Verdun*), Montgomery, Shipley (Mrs.), Thatcher, Thomas, and Winch.—(11).

In attendance: Mr. Clinton T. Duffy, Member, Adult Authority, Department of Corrections, Sacramento, California, U.S.A.; Mr. D. G. Blair, Counsel to the Committee.

On request of the presiding Chairman, Counsel introduced Mr. Duffy to the Committee.

The witness supplied copies of briefs on Capital and Corporal Punishment to the members present which were ordered to be printed as appendices to this day's proceedings, as follows:

1. APPENDIX A (*Capital Punishment*):

Part I—Alternate Methods of Legal Executions:

Part II—Description, Operation, etc. of San Quentin Lethal Gas Chamber, (4 photographs of Chamber filed as Exhibits);

Part III—Form of Report of Chief Medical Officer and Official Medical Record of Lethal Gas Executions at San Quentin; and

Part IV—Views on Capital Punishment (Abolition).

2. APPENDIX B (*Corporal Punishment*):

Part I —Comments and Views on Corporal Punishment (Abolition); and

Part II —Cumulative Case Summary of a Representative Inmate.

The witness commented first on his brief on capital punishment and was questioned thereon.

During the questioning period on capital punishment, the Honourable Senator McDonald assumed the Senate Chair on behalf of the Honourable Senator Hayden.

The witness commented on his brief on corporal punishment and was questioned thereon.

The presiding Chairman expressed the Committee's appreciation to the witness for his presentations.

The witness retired.

The presiding Chairman notified the Committee that a letter dated May 9, 1955, had been received from Professor Thorsten Sellin of Philadelphia informing the Committee that he will be forwarding certain surveys and analyses promised at the previous session relating to "The Death Penalty and Police Safety". The said letter and forthcoming material was referred to the Subcommittee on Agenda and Procedure for report.

At 1.05 p.m., the Committee continued *in camera*.

At 1.15 p.m., the Committee adjourned to meet again at the call of the Chair.

A. Small,
Clerk of the Committee.

CORRECTION BY WITNESS

Minutes of Proceedings and Evidence, No. 12, March 31, 1955.

The first complete sentence on page 396 should read: "In one of the 16 states of India he has a staff of 25,000 police".

EVIDENCE

May 12, 1955,
10 a.m.

The PRESIDING CHAIRMAN (Mr. Brown, *Essex West*): Would you kindly come to order, ladies and gentlemen? I trust the room in which we are meeting is satisfactory; unfortunately we were not able to get our usual committee room as there are a great many committees meeting today and we have had to adjust ourselves to meet the exigencies at hand. If you are not able to hear at any time I would appreciate it if you would advise the chair.

This is the last scheduled meeting for the purpose of hearing witnesses of this committee and is the culmination of two years' work. We are honoured in having an outstanding witness today, one who has come from a considerable distance for the purpose of assisting us, and we are very grateful. I want also at the outset to advise you that there will be an in camera session immediately following this meeting; there are certain things that we have to provide for and matters that we must discuss of a confidential nature. If you will remain at the close of this meeting we would appreciate it.

Now, Mr. Blair, would you like to introduce the witness?

Mr. BLAIR: Mr. Chairman and members of the committee, the witness today is Mr. Clinton T. Duffy, the former warden of San Quentin Penitentiary in California and at the present time a member of the California Adult Authority. Mr. Duffy's experience in prison work is well known and unique. He was born within the confines of San Quentin Penitentiary where his father was a guard and an officer. It is interesting to note that Mrs. Duffy, whom some of the Committee will meet later on, who has been able to accompany Mr. Duffy to Ottawa, was also of a prison family and they met in San Quentin Penitentiary.

Hon. Mrs. HODGES: Not as inmates?

Mr. BLAIR: Mr. Duffy has been quick to tell me that he has always been free to come and go. Mr. Duffy served with the United States Marine Corps in the first world war and for a few years afterwards worked in railroad and construction work, but in 1929 he returned to prison work as secretary to the then warden of San Quentin Penitentiary. Eleven years later, in 1940, he became warden of San Quentin.

It is needless for me to add that in his position as warden of San Quentin Penitentiary during the years 1940 to 1952 Mr. Duffy achieved an international reputation by reason of the many reforms and innovations in penology for which he was responsible and fortunately he will be in a position to outline some of those things to us in the course of his presentation.

In addition to being a distinguished officer of the California prison service, Mr. Duffy has served with a number of national and international committees. He is a past president of the American Prison Wardens' Association, he is also a past president of the National Penal Industries Association. During the war he was a representative on the War Production Board of the United States; he has been a member and is a member of both National and State Probation and Parole associations; and he has held many other public offices connected with his work. I think some of you may have read a book which Mr. Duffy authored, called *The San Quentin Story*, and I recommend it to you. It is a great pleasure to introduce Mr. Clinton T. Duffy of California.

Mr. Clinton T. Duffy, member of California Adult Authority and former warden of San Quentin Penitentiary, called:

The WITNESS: First I want to thank each and every one of you for making it possible for me to come here to Ottawa to appear before your committee and to discuss with you those very grave and important subjects of capital and corporal punishment. Mrs. Duffy is also enjoying thoroughly her visit here and after my meeting with you folks we will have an opportunity to see our son who is close by, in Endicott, New York.

I am going to have to correct Mr. Blair on one part of his introduction, he said I was born in San Quentin. This reminds me of the story about a good friend of mine, the sheriff of Los Angeles county, a long-time sheriff of that county and a very fine gentleman. One of my sisters introduced his wife to him. She was a San Quentin girl. Their first child was born on the prison grounds and he takes a great deal of pleasure in introducing his daughter by saying, "Meet my daughter, born in San Quentin." She always comes back with, "Not in San Quentin, Dad, at San Quentin." There is a little difference.

I have been asked to appear before your committee and talk to you about alternative methods of legal execution and to comment, if you wish, on corporal punishment and to give my views as well on capital punishment. Using California as an example, we go back to the year 1872 when within the walls or the adjacent area of the jail the executions were required to take place. That went on for quite a little while and as an interesting side light to that, one of the sheriffs of one of the counties in California who was required to perform the executions did not like the duty and he asked his legislator to propose that executions be held within the walls of San Quentin prison. That legislation was passed and the very next execution that was held at San Quentin—the same sheriff had been in the meantime appointed warden—had to carry it out anyway.

San Quentin had hangings until 1937. In 1935 the then warden, I was his secretary at the time, felt that hangings were not the type of execution that should be continued in California and wondered if there were not some other method that would be more humane. He knew of one other state, the state of Nevada that had a lethal gas chamber, so we went over to Nevada and witnessed one of their executions and came back and proposed in the California legislature that hangings be changed to lethal gas.

You can picture a youngster growing up within the shadows of the prison walls; seeing the activities, the visitors, the press and the like, and the loved ones coming to see their condemned relatives. We had at least a bit of the atmosphere as children in connection with not only the many other operations of the institution, but in legal executions. We knew that among the staff and even our own parents that executions were hard on everyone connected with its operation.

My first experience actually to witness a hanging was when I went to work at San Quentin prison as secretary to the warden in 1929. From 1929 until 1952 I witnessed 150 legal executions. Of these, I officiated at 89 lethal gas and one legal hanging. However, I witnessed, with other wardens, 60 hangings.

Let me tell you a bit about my experiences. In the olden days at San Quentin a person was kept in a certain block known as "Death Row", which was just inside the prison walls and the gallows was a good six or seven-minute walk from there. About two days prior to the execution the hangman would go with the necessary guards and take the prisoner to the clothing room where he would be measured for height, weight, size of neck and the type of clothing

that he might wear in order that he might be properly fitted for the scheduled hour and that he might measure the proper drop in order that the neck would be broken so that death would be assured. Two days prior to the execution the man was taken from his condemned cell and put into what the inmates have termed the death cell. That was in a room adjacent to the gallows. While the man was in the death cell he was allowed only to see immediate blood relations and they only after having been very carefully screened by the warden and under strict supervision. They would see him behind a barred cage within this room and over these bars was a heavy screen in order that the officials might be sure that the prisoner did not receive any sort of poison or anything else from the visitors that might have been hidden on their body and not detected before hand. Shortly before the appointed hour of 10 a.m., sometimes the commitment will say between 10 a.m. and 4 p.m., at other times it just gives the date of execution—the executioner would go into the condemned cell and strap the prisoner around the waist with his arms strapped to his side and then wait for approximately five or ten minutes for a signal from the warden in order that he might bring the prisoner into the gallows room. When the warden gave the executioner the signal two guards, one on each side, would walk him from within the death cell to the gallows room and up the thirteen steps. When they arrived at the top of the steps and the prisoner was placed on the trap door one guard would strap his feet, the executioner would put the black cap over his head, and then he would take the noose from a little section of the gallows frame and slip it over his head and adjust it tightly to the left-hand side of the neck. He would then wait for the signal of the warden, which would be just a nod, after which he would raise his hand and as he raised his hand three men in a little room on the gallows with very sharp knives, like a shoemaker's knife, would pull their knives across taut strings. These strings would throw heavy weights. One of them was attached to the trap, two of them to dummies would fall into a barrel of sawdust below. In that way the three men in this little room could sort of blame springing of the trap on to the other person. It sort of left them with a clear conscience. Usually the neck was broken; but I have known among the 60 hangings that I have witnessed that the neck has not been broken and the man struggles at the end of the rope quite noticeably, with horrible noises from his nostrils and his mouth, fighting for air. They grunt and groan and you wonder whether or not they are unconscious. They defecate on the floor right in front of the witnesses and an officer has to stand at the toes of the prisoner in order to keep the body, for the first few moments, from moving all around during his fight to get air. There is a doctor standing on a stool with a stethoscope over the heart and it takes between eight and fourteen minutes, according to the vitality of the prisoner, before he is pronounced dead. The witnesses then are instructed to leave the witness room after they have signed the official witness register. In almost every execution one or more people faint or have to be taken out, or carried out because they feel they are about to faint.

In order to be certain of death, in order that nothing might happen after the witnesses leave the witness room following the hanging, the body remains hanging from the rope for another ten or fifteen minutes and possibly longer. Then, when he is cut down he is put into a prison-made casket, the noose and the black cap are taken off. It is a very gruesome sight, the eyes have popped out in many cases, the tongue has swollen and the noose many times has taken large portions of skin and flesh from the side of the face. Usually loved ones claim the body. Many times the body is taken to their own home town for services and burial. You can imagine the grief that the loved ones go through, after an execution by hanging. Surely they have their grief just the same if execution is by other methods, but the body has been so disfigured by hanging that grief is more noticeable.

I have not witnessed an electrocution; I do not know too much about it; but I have been told by wardens and other noted penologists that the method of execution by electrocution is as gruesome as hanging. There is a certain amount of preparation before the person is taken into the electric chair; the head has to be shaved partially; there is a plate attached to the head and to one leg and the pants leg has to be split. The electric current is forced through the body not once but several times and, I am told, that the eyes pop, that the body swells to almost the point of bursting and that portions of the body have been burned and there is the smell of cooked meat. Also there are all kinds of grimaces and torture indicated on the face of the prisoner.

Executions by electrocution are mostly done at a time when the prisoners are in their quarters and they tell me that the lights are dimmed when the executioner throws the switch. The morale effect of those who are confined in the same institution is bound to be affected.

One state I know of has a choice of the firing squad and all but one of the shells, if I understand it correctly, are effective. There again the body has been mutilated.

In lethal gas executions, sodium cyanide is used. The man is taken from "condemned row" down an elevator to a room adjacent to the lethal gas chamber; they call that room the death cell. There are two cells which can be used should there be a double execution. Sometimes there are partners in crime. Most of the time there is only one; but should another man be set for the same day, although not partners in crime, they can be executed at the same moment, as there are two chairs in the lethal gas chamber. Other than placing a portion of the stethoscope over the heart area, there are no preparations made prior to taking the man into the lethal gas chamber. The reason for bringing him down to the death cell a few hours before the scheduled hour of execution, which is 10 o'clock in the morning, is to assure everyone that he will be under proper guard and supervision. We have known of efforts at suicide or there could be escape attempts or other violence by a man who has nothing to lose. From the time he is in the death cell, which is from about 5 o'clock the evening before or shortly after, the institution early evening count is cleared; no one is allowed to visit except his chaplain, the doctor, the warden and a few approved members of his staff. All visits by his relatives, attorneys and the like are held in the regular visiting room where the other prisoners have their visitors, but just off to one side.

During the course of the evening I have visited the 89 people that have been confined in the lethal gas death cell. I found that during the course of the evening they ask a few questions. You do not tell them of the execution procedure or discuss what is going to happen the next day. You try to talk about everything else but the crime they committed or what they are facing. However, sometime during the evening they will talk about themselves and when they ask what they should do you can tell them that if they would take a deep breath when they smell just a faint odor of the gas or if he would look over to the left, to the side where the warden is standing and when he gives him a little nod then take a deep breath. However, that very seldom happens; most of them go to their death with a prayer on their lips for which all credit is due to the chaplain services within the institution.

The executioner, during the period of time when the condemned man is in the death cell, is not allowed to go in and talk with the prisoner. He does not see him until he walks into the lethal gas chamber. I think that is a good thing because after all he is the man who throws the lever which does the job and he should not be in contact with the prisoner, or to see him beforehand. There is a bit of preparation which takes a matter of seconds. Before the prisoner leaves the death cell the doctor places a portion of the stethoscope

over the heart area. When the warden gives the signal the prisoner is brought in and seated in the chair, strapped in by the guards, and the stethoscope tube is adjusted. His chaplain is in prayer. The door is then closed. Some members of your committee have photographs of the lethal gas chamber before you. There is a lever on the right side, high, of the lethal gas chamber which the executioner uses to test the gas chamber for any possible leaks. The warden watches the water test gauge and if the gauge does not fluctuate there are no leaks in the gas chamber. This takes a matter of seconds.

About ten minutes before ten o'clock on the morning of the execution, the executioner mixes the sulphuric acid and distilled water. He places under both chairs in a cheesecloth bag about a pound of cyanide—about ten or twelve balls to a bag. They are about the size of pullets eggs. They are suspended over the top of the mixture under both chairs. Members of the committee will notice, too, that the chairs are perforated in order that the gas may flow through them without interference. When the executioner is given the word by the warden that everything is all right he presses the lever forward. That allows the cyanide eggs to drop down into the well and to mix with the sulphuric acid and the distilled water and in a matter of seconds the gas rises and meets the nostrils of the prisoner strapped in the chair.

I know you want to find out whether or not the man or woman becomes unconscious almost immediately. If he is in silent prayer, usually at the first breath he is knocked unconscious. He is not holding his breath. I have known a rare case where the prisoner might, after the first breath—the very first fumes that reach the nostrils—and from the shock he would open his eyes, look around, but then in the very next breath he would be completely unconscious. Those men who have remembered to take a deep breath have become unconscious almost immediately. There have been one or two cases where a man has held his breath, but we know that that cannot go on for very long and such cases have been so rare that they have not affected very many people. There is no concern about this. A man only holds his breath for a matter of seconds because of the pending thing that is going to happen to him and when he does take a breath he takes a deep one and is unconscious almost immediately. Usually the head goes back and forth for just a few moments and finally comes to rest on his chest as though he had gone to sleep. The eyes are closed. It takes between eight and fourteen minutes before the heart stops. This depending on the vitality of the individual.

After the witnesses have been dismissed, and the official legal documents completed the body is allowed to remain in the gas chamber for another thirty or forty minutes, sometimes a little longer, and then the necessary process of removing the gas fumes and neutralizing the acid that has been in the mixing bowl under the chair begins. You have a complete outline of this procedure attached to your copy of my written statement. When the doors are opened, the officials enter the chamber wearing gas masks as a precautionary measure. Then the body is removed, placed in a casket and moved to the prison morgue waiting final disposition.

Lethal gas executions are somewhat easier on the relatives or friends when they claim the body. I have been told by many people that though they are a grief-stricken—and it is a horrid thing as far as they are concerned—however they did not think it was quite so bad as if they had received a mutilated body for burial.

In considering alternative methods of legal executions I do hope that if you are going to continue with executions in Canada that you will consider the lethal gas chamber on the grounds that it is more humane than other methods of capital punishment. Surely the prisoner dies no matter what type

of execution is carried on, but we should not have to be brutal in carrying out the penalty. I know, too, that the lethal gas chamber method is much easier on the staff who has to participate in carrying it out than are executions by hanging. With regard to this matter may I say—speaking only of executioners who have participated in hangings and not in executions by lethal gas—I know of three or possibly four executioners of years ago whose minds have snapped to some degree and the talk went around that it was because of their experiences in the course of legal hangings. I know that the executioners who have been in attendance since the lethal gas chamber has been in use in California have not been so affected and therefore I say that this method is a bit easier on those who administer same.

I have always said that I am against capital punishment. I am against it for two or three reasons, but first because I do not think it is equal in the administration of criminal justice. We have averaged nine executions a year in California over the last twenty-five years. The population of California has increased from 5,677,000 in 1930 to over 12 millions—almost 12 and a half millions in 1954. There has been an increase in the prison population from 7,102 in 1930 to 14,000 in 1954. Throughout all these years, however, we have averaged nine executions a year and we know that the number of homicides has increased, possibly doubled. Nevertheless the number of executions still remains at an average of nine a year as it has done throughout these twenty-five years. I say it is not equal in the administration of criminal justice because in my twenty-five years working with prisoners I have interviewed hundreds, yes, thousands, of prisoners about their problems and have come to some very definite personal conclusions with reference to the death penalty. From 1929 until 1952 I have talked with every man and the two women who have been sentenced to death—Some were later commuted to life imprisonment without the possibility of parole; some were commuted to straight life terms, some had reversals of their cases by the various courts in our state, some had new trials, and an occasional prisoner was freed, and some received from 5 years to life sentences for a second degree murder. I have talked with hundreds who have committed robberies, all after having been condemned to death. With a gun, they are potential murderers, and I have asked each and every one of these prisoners whether or not they thought, prior to the commission of their offences, that they might be facing a death penalty.

I have, after twenty-five and half years of prison service, to hear the first person tell me that he gave it any thought whatsoever. Not one.

I do not think it is equal in the administration of criminal justice because of the many ways in which cases are brought to final determination. You can take a case in any of the counties where a man may be sentenced to death. You can compare another court in that same county or in a nearby county and the man might have committed a more atrocious crime but would be sentenced to life imprisonment or to even second-degree murder. I could take members of the committee to San Quentin prison or to Folsom prison and point out persons who are serving life sentences or terms for second-degree murder who have committed more atrocious crimes than some of the men on the condemned row, and there are several hundred of them. Again, on that point, I say it is not equal in the way it is being handed. Some of the larger counties will send most of men to the institution to be executed. But from some of the smaller counties—I doubt if they have ever sent a man to the penitentiary to be executed. Other places may have sent but one or two. I can mention a case in point: two young fellows were following the crops in California and were hoboing from one area to another. They were nomadic types of people, and they had become quite inebriated on some cheap wine, or

perhaps some of the other things which such people sometimes drink. They were in a box car with several other men doing the same thing as themselves, and during the course of their ride these two fellows noticed that one of the others had a bit of cash on him, and after more wine a drunken fight ensued and unfortunately one of them drew a knife. Their victim died from knife wounds. They received the death penalty and were executed.

I have a case right here—I do not think it is necessary to give the names, but I would like to quote a statement from the court.

The defendant was convicted by a jury of the crime of second-degree murder. The defendant waited, for a farmer, in this case, at a place where a bridge crossed a dry stream on a lonely country road. He was armed with a carbine capable of firing twenty shots rapid fire. There were no witnesses to the killing, but there were twelve bullet-holes in the vehicle in which the farmer was riding. There were two shots fired by the farmer in the car in self-defence.

The defendant placed a jeep across the end of the bridge, forcing the other man to stop, and there was no means of escape for him. The victim received numerous wounds, but the fatal one was a shot through the head. The defendant was not marked.

He was arrested on a charge of second-degree murder. This was a plan, a very definite plan. The other case I mentioned was a drunken brawl by a couple of hobos in a box car, but they were both condemned to death. One could go on and on quoting cases like that by the hour. Among the men I have spoken with, many have committed armed robbery and some of them finally finish up in condemned row and are executed. They have told me that they had not thought of the death penalty when they went out on their "stick-up".

Some people would say: "If capital punishment is abolished, what would you do with a person who under present law is sentenced to be executed?" Some of course are going to have to be kept in prison for the rest of their natural lives. What do we do with those hundreds and hundreds and people who are sent to prison for first-degree murder? They are just as bad, in many cases worse, as those who have to be executed. We try to develop that person into a better human being. He may for the protection of society have to be kept in prison for the rest of his natural life. I have often felt—and I want this recorded as my own personal opinion—that those who are hearing death penalty cases must bring in the death penalty verdict due to emotional reasons. Most of us will agree that rarely has there been a person of means who has been executed; rarely has there been a person executed who has a competent attorney who will play on the emotions of the jury. We have seen many cases where the verdict is reached where the penalty of lesser degree than the death penalty is brought in, or even a lesser sentence than life imprisonment.

There is also the possibility of errors. I know of no cases in San Quentin where a man has been illegally executed because of error in the record or the wrong man executed, but I do know of a case which caused a change in the method of the reviewing of cases before execution. I have heard that there have been prisoners executed where later on someone has come forward and it has been proved that he had committed the crime for which another person had died. In California we have an automatic appeal. This is of personal interest as far as I am concerned because I was at that time secretary to the warden. Prior to the automatic appeal procedure coming into effect the court set the date of execution at the time of sentence and unless the date was changed by another court action or by executive order the execution took place on the date set forth in the original commitment. In the case I have in mind the man

was scheduled to be executed, and as far as we knew there had been no appeal put in by anyone which might affect that original execution date. A very unusual thing happened. This man should not have been hanged on the date originally set. I told the committee about the three men in the little room near the gallows and how they are seated in there with sharp knives to cut the strings, with one string attached to the trap and the others to two dummies. The prisoner had been brought up the thirteen steps, after the routine I told you about, the noose was set in place and the black cap was adjusted; the executioner raised his hand, the guards used their knives to cut the cords—and nothing happened. I was with the warden and I rushed over to the area where the ropes went through an enclosed space going into the room below where they would either spring the trap or let the weights fall into the sawdust. The guard who was in that area to hold the feet of the hanged prisoner also rushed over there. The newspapermen here will be interested in this; there were at least six or seven members of the press in attendance. Then the guard having reached this little section before I did, pulled the rope that sprung the trap. Everyone was looking at the prisoner and no one saw what had happened, except a few of us in attendance. The incident was not even written up in the press because it was not known to them for many years.

What actually happened so far as the man being executed on a day which was not the proper day is concerned, was that the attorney representing the man had written to the warden saying that he was filing an appeal. The warden had received no official document from any court, and none of us had seen any letter from the attorney. There were two secretaries—myself and another man, both civilians—and a prisoner stenographer in the office. Just about the time the warden was leaving for the day the telephone rang and the attorney said he had heard over the radio that the prisoner he had represented had been executed that morning, and was anxious to know whether this information was correct. When he was told that it was he said: “you have hanged a man by mistake. I have filed an appeal on behalf of this man and I wrote and told you about it.” We looked around the office and buried underneath many other things on the warden’s desk was the letter, but who had received it and who had placed it there I still do not know. However, the man had been hanged.

Thereafter there was a big investigation by the legislature and by other interested people and groups and the automatic appeal procedure went into effect. Under that procedure no date is set by the sentencing court at the time of the sentence. That matter goes before the State Supreme Court for review, and if that court upholds the lower court they refer it back to the lower court and the lower court has to set a date of not less than sixty days or not more than ninety days, a date which then goes to the warden at the prison as the official date of the execution. Usually the day chosen is a Friday, but it may be any other day of the week.

In California they have tried many times to abolish the death penalty but without success. It has been tried again this year. The bill to abolish it has been referred to an Interim Committee, and of course there will be some study made of the question. I would like to read from another bill which has been before the California legislature, but before I do this I would like to preface my words by saying that today when juries come in with a “guilty” verdict, and say in fact “we the jury find the defendant guilty of murder in the first degree”—then they stop. It is a duty of the court in those circumstances to sentence the man to death. Usually juries do not like to do that so in most instances they come in with a verdict: “we find the prisoner guilty of murder in the first degree, and recommend leniency” the result being that a life sentence is imposed.

This law which I have referred to, if passed, will say:

Any other provision of the laws of this state notwithstanding, no person shall be sentenced to death upon conviction of an offence punishable by such penalty unless the jury which renders the verdict in the case, if the trial is by jury, specifically recommends such penalty.

Under this provision the jury would have to come in and say "we the jury find the defendant guilty of murder in the first degree and we recommend the death penalty." or words to that effect.

I know I have passed over some other points which the committee may wish to discuss with regard to capital punishment and my views on the matter, and I would like to ask you, Mr. Chairman, at this point, if you would like to throw the meeting open for questions. Then later on I could go on to submit some views which I have with regard to corporal punishment.

The PRESIDING CHAIRMAN: I would think we would wish to proceed to hear your views on corporal punishment, and we could come to questions when we reach that period. We may wish to divide our questions into two parts.

Hon. Mrs. HODGES: Mr. Chairman, so much has been said that I think it might be rather difficult to retain all of it in our minds—I think it might be better if we were to have a question period on capital punishment and then go on to corporal punishment later.

The PRESIDING CHAIRMAN: We are in the hands of the committee as to the best method of proceeding. We must employ whatever method is likely to get the most out of the evidence which has been given. Would the committee like to proceed now, with Mr. Duffy giving his views on corporal punishment, or shall questions be asked now on capital punishment?

The WITNESS: It may take half an hour on Corporal Punishment.

The PRESIDING CHAIRMAN: I take it you would like to have subjects divided?

The WITNESS: I would. I think it would be better.

The PRESIDING CHAIRMAN: Very well, we shall give way to the views of the the witness. The witness would prefer to have the questions on capital punishment at this period.

Mr. BLAIR: I would like to ask Warden Duffy to direct his attention to the yellow sheet of which there are some copies on the table (*See Appendix A—Part III*)

Hon. Mrs. HODGES: There is only one being sent around, I think.

The WITNESS: There are approximately seven copies available.

By Mr. Blair:

Q. This yellow sheet contains as I understand it on the second page a typical example of what happens to the condemned person in the gas chamber and I am just going to review the times in order to make sure I understand this clearly. I note that in the first case the prisoner enters the chamber at ten o'clock.—A. That is right.

Q. And that the chamber door is locked at three minutes after ten?—A. That is close to the time. In many cases it varies between one and a half and three minutes according to whether or not a prisoner wishes to exchange a word with his chaplain who accompanies him to the chair; whether he has something to say to the warden or to someone else in attendance. Three minutes is the maximum time, and it is a little more than is required in most of the cases.

Q. Apart from the functions which the chaplain may perform, this period of time is occupied in settling the man in the chair and strapping him in?—A. That is right.

Q. Then the chamber doors are locked and I notice that another minute elapses before the sodium cyanide enters.—A. That takes almost a minute—between 30 seconds and 45 seconds before the pressure tests are completed to see that there are no leaks in the gas chamber and to allow the sulphuric acid and the distilled water to flow to the containers under the chair, and for the eggs to enter the mix. That takes 30 seconds to a minute.

Q. Then, I notice that the next entry is "Prisoner apparently unconscious one minute later," that is at 10.05?—A. Yes, that would be the case. Now, you understand this is just an estimated time taken from years of experience and the person who made this up was a little conservative. Instead of bringing his estimated time down to a minimum it has been brought up to a maximum. There is no question that it might take a little longer in some cases. It takes between twenty seconds and a minute before the man is unconscious when the gas first strikes his face. Now, if he holds his breath it will take a little longer and if he does not it takes less time. If he takes that deep breath he is going to be unconscious almost immediately, if he gets a first whiff of gas which is just a light amount, he has to have another before he is unconscious. So in one case it is a little longer and in another case it is a little less.

Q. Well then, within a minute of the time the gas strikes the prisoner's face, as far as you can tell he is unconscious in the average case?—A. Yes, that is right.

Q. Then, I notice that at 10.06 it is recorded that there are three gasps and there are grimaces?—A. Yes.

Q. At 10.07 it is recorded there are three gasps and one loud gasp?—A. Yes, it is air coming through the windpipe and the head is resting on the chest at the time, and as time goes on the gasps are fewer. You may even have at times, at 10.09 or 10.10, just a little movement of the body, you will see a slight quiver of the fingers, the hands are strapped to the arms of the chair, but you see a slight quiver and then as the moments go on there are absolutely no visible signs. However, the doctor in attendance can hear over the stethoscope some of the respiratory system still working. There are two doctors in attendance, one with a stethoscope in his ears and he cannot see into the gas chamber; one standing with the warden at the venetian blind window recording this information that you see on the sheet that Mr. Blair has read a part of to you.

By Hon. Mr. Hayden:

Q. These gasps are just reaching for oxygen?—A. Yes, unconsciously.

Q. The same as a man at the end of a rope?—A. That is right.

By Mr. Blair:

Q. I notice on this sheet it is recorded that the last visible movement was at 10.09 and the heart stopped at 10.12?—A. Yes, the respiration stopped at 10.09 and the recorded time of death was 10.14.

Q. Well now, just to clear the record, this table is a composite, an average?—A. It is an average, yes.

Q. The other table which follows, I take it, is a record of a particular case, is it, Mr. Duffy?—A. No, I do not believe so, I think it is just another average case that might show that there is a difference in the vitality of the person. Some very strong, healthy, husky younger person would have more vitality and his respiratory system would work a little longer than someone else. It is just a comparison.

Q. I notice there seem to be some fairly pointed remarks in the remarks column.—A. I think the doctor tried to be a little amusing there.

Q. One of the remarks was that the prisoner said his biggest regret was that Judge Scott was not sitting on his lap in the chamber. Now, these two forms or records are attached to the report of Dr. Wilcott, the chief medical officer at San Quentin, dated February 21, 1955. I notice that in this report Dr. Wilcott states that the prisoner is rendered apparently unconscious one minute after the gas strikes his face—A. May I interrupt? You read that incorrectly, it says "one-half minute".

Q. I am sorry, one-half minute. The report continues: "He is certainly unconscious sixty seconds later. The official pronouncement of death is then delayed until all physiological movements have ceased, these movements being an occasional gasp and a progressively failing pulse engendered by body metabolism without consciousness". This medical report (*Appendix A—Part III*) corresponds with your view of what transpires, does it?—A. That is right.

Mr. BLAIR: Mr. Chairman, may I suggest that this medical report together with the other material on capital punishment be appended to the proceedings of this day?

The PRESIDING CHAIRMAN: Very well.

(*See Appendix A.*)

Mr. BLAIR: I have no further questions.

The WITNESS: May I explain to the committee the reason I did not have as many photographs (copies filed) as I should and this attached data on the doctor's report and the legal methods that are required under lethal gas chamber executions is because there were not that many copies available at San Quentin when I called for them. They provided me with all they had at the time.

By the Presiding Chairman:

Q. I believe you referred to a bill that has been put through?—A. You may have a copy of the bill if you wish.

Q. Is it in order for us to append this as an appendix?—A. It has not passed both houses as yet.

Q. Is it likely to?—A. The way it went through the Assembly, yet, it looks as though it is likely to.

The PRESIDING CHAIRMAN: Since it has not passed, what is the wish of the committee? Shall we not append it, then?

Hon. Mrs. HODGES: It is wiser not to append it if it is not passed.

The PRESIDING CHAIRMAN: Perhaps we had better not.

The WITNESS: Could you include it as a quote from me in my testimony as considering it a good law?

The PRESIDING CHAIRMAN: Yes, we have already had it read into the record.

Mr. BLAIR: Mr. Chairman, are we clear on one other point? Mr. Duffy has already pointed out a physical description of the gas chamber, a white paper, showing the cost of the chamber, the cost of the chemical used, the salaries paid, information and recommendations on maintenance and operation of the lethal gas chamber, giving the procedure followed in the use of the chamber in considerable detail.

The PRESIDING CHAIRMAN: For the purpose of the record would it be in order to have that appended?

Agreed.

(*See Appendix A—Part II.*)

The PRESIDING CHAIRMAN: Are you finished, Mr. Blair?

Mr. BLAIR: Yes.

The PRESIDING CHAIRMAN: Senator Hodges?

Hon. Mrs. HODGES: There was one thing that interested me so much—I notice that Mr. Duffy does not favour capital punishment because he does not believe it is a deterrent to crime. I was interested in what he said about having questioned a number of men who were under death sentence and convicted of armed robbery and things of that sort, and he asked them if they ever thought of the death penalty as a deterrent and they said no. The question I want to ask him is: would he suggest that their thinking was conditioned by the fact that in 1953 there were 7,000 cases of murder and non-negligent manslaughter in the United States and there were only 62 prisoners executed? What I am suggesting is; there are so few executions compared to the number of crimes I am wondering if that had conditioned the thinking of the criminal?

The WITNESS: I do not think they think of that at all because in talking with these hundreds, yes thousands of inmates throughout the years I received the impression that they feel they are not going to be caught in the crime they commit so, therefore, they do not think of the death penalty at all.

By Mr. Fahey:

Q. Mr. Duffy, you were speaking a good deal about a problem of uneven justice, was that any criticism of the courts and the method of the courts rather than anything else?—A. Only in the way that the various courts bring in verdicts on similar cases.

Q. And you spoke of this bill which requires the jury to specifically recommend the death sentence. That means you are opposed to the way we do it in this country where there is a mandatory death sentence when the verdict is guilty?—A. Similar to California, they would say the verdict is guilty and then it is mandatory.

Q. It is mandatory upon the judge to pronounce the death penalty and then the remission branch goes to work and makes any adjustments which the circumstances may require?—A. Yes, I think the jury who have heard all of the evidence should be required to bring in the complete verdict.

Q. Did you not say that you feel that the prosecuting or the defending counsel, if he was a particularly skilled person, could work upon the emotions of the jury and therefore they may not bring in the correct verdict according to the evidence?—A. That is true, that happens at times.

Q. Therefore, do you not think that they are not competent people to give the final verdict?—A. The jury system?

Q. Yes.—A. Well, I have not studied to a point where I would like to say that the jury system is not a good system; as far as I can see it is the best we know of today.

Q. I do not go quite so far as that; I mean entitles them not only to declare the verdict of guilty but also pronounces sentence?—A. Do you mean I feel they should pronounce the sentence?

Q. Yes.—A. I feel that the jury should recommend to the court that this man not only is guilty but should be executed. They are doing it anyway in accordance with the law and they are just hiding behind it by saying to themselves, "Well, we have not said this person should be executed, the judge does that."

Q. Or the law of the country?—A. Or the law of the state or the country, which demands that the judge carry it out. You can go on to the silly part of that if you wish and carry it right up to the institution to the warden, and the warden says, "I do not do it, the executioner does," it is to the point of

passing the buck. Let the people who hear the evidence give the complete verdict, up to the point of passing sentence. If a jury finds the defendant guilty of robbery in the first or second degree, they come in with a verdict as to the type of crime he has committed.

Q. Thank you. I will not pursue that. Just one other question with regard to the gas chamber. Is there any smell at all of gas?—A. Are you talking about the smell by the prisoner or the witness?

Q. By anybody, does the gas smell?—A. Yes, it has a slight odor of bitter almonds.

Q. And is there any residual smell in the chamber from the previous use?—A. No, it is cleaned out thoroughly with ammonia and water and you will find no smell. We have had an occasional triple execution where we have had an execution at 10 o'clock in the morning and another at 2 o'clock in the afternoon.

Hon. Mr. HAYDEN: Is there any danger from fumes?

The WITNESS: There is no danger at all from fumes that may have remained. They are all disposed of and the only smell you may notice is the smell of the ammonia which is the cleaning solvent that neutralizes the gas. The chamber is completely washed down and with the number of executions we have had and the experience of doubles and triples there has been absolutely no danger.

Hon. Mrs. HODGE: Could I interject a question here? What is the reason for the hour of 10 a.m.?

The WITNESS: No special reason, it is just a carry-over of years in California.

The Presiding CHAIRMAN: Mr. Blair asked if he could ask a question at this point.

By Mr. Blair:

Q. The distinction between our law and the California law, as I understand it, is that the present law of California provides if the jury recommends mercy then the judge has the discretion whether to award the death penalty or life imprisonment?—A. I believe that is true.

Q. And that is distinct from the law of Canada where the death penalty is mandatory; once there is a conviction for murder the death penalty is mandatory.—A. There is a difference there then.

Q. And the new law you are speaking about merely shifts the onus and the procedure in that if the jury is silent it will now be taken to be a recommendation for mercy?—A. That is true, just the opposite to what it is today if this law passes.

By Mrs. Shipley:

Q. Referring to your hearsay evidence respecting electrocution, we have had evidence here to the effect that unless far too great a current is used that these horrible things will not happen. I am wondering if it is recently that you had been told these things or was it electrocutions of many years ago?—A. I was told these very things that I said today and which are in my brief before you, as recently as ninety days ago by a very well known penologist and I do not think he would not mind if I use his name. He is Austin McCormick, head of the Osborne Association, an internationally known penologist who has made surveys of a number of American prisons and has made recommendations on them. As well as being head of the Osborne Association he is professor of criminology at the University of California in Berkeley. On a panel on capital punishment in Berkeley about three months ago he told me this very thing, and on a television panel out of San Francisco shortly after that the same question was brought up again he said the same thing.

Q. Did he say it always happened? He did not qualify it, did he.—A. No, he did not qualify that it always happens.

Q. Did he say it always happens?—A. No, he did not say it always happens, he said many times.

Q. Thank you, that is all.

By Mr. Winch:

Q. Just one question, Mr. Chairman. Can Mr. Duffy give us any information on the position of men who have been convicted of homicide but have not got the death sentence and they have been paroled, as to whether or not there are very many who again commit homicide?—A. I do not have any figures on that, but from personal experience, knowing quite a number of the people who have served a great number of years after they have committed a homicide and have gone out, it is a very, very rare case where that person commits another homicide. No. 1 best risk in our parole statistics is murder in the first degree, he is our best parole risk. Why? There is a reason, of course; his homicide was against an individual; in many cases it is a crime of passion, a crime of jealousy or temporary mental disorder of some degree and he has no interest in killing anyone else and, therefore, he makes a very good prisoner if it is that type of murder and he makes a very good parolee.

Q. Just one other question comes to my mind. Do you think that if it is known that there is no capital punishment for homicide there is a greater tendency to endanger the lives of guards inside a prison when this type of prisoner has some animosity against a guard and he knows he will not be killed anyway?—A. Well, we are getting into the treatment area there. If you have a penal system that is geared towards a very active program for each and every individual prisoner, that there is plenty of work, that his emotional problems are dealt with by a competent staff, his idle time taken care of he is encouraged to build to a better future and he is in this type of program, you find that there is little or no concern or worry about a prisoner killing an officer. It has happened, it happened in San Quentin not too long ago, but it is a rare thing and I do not think the guards in the institution have to be protected any more, as far as the death penalty is concerned, than the civilians in our cities and our towns.

Q. That is all, Mr. Chairman.

By Mr. Fahey:

Q. What about gang killings, Mr. Duffy, are they not likely to be repeated?—A. In the communities or inside the prisons?

Q. In a community?—A. We know of no repeated gang killings. I cannot recall any. There may have been one or two over the years where men have gone out and have repeated gang killings. You see, when a man serves a term in prison for first degree murder the average stay is from, sixteen to seventeen years, and he is a much older person, he has developed into a better pattern of thinking with the help of the staff and his own efforts and usually he does not revert back to the gang type of thing. He may have as a younger person if he was allowed to go out, but I know of no cases.

Mr. LEDUC (*Verdun*): Mr. Chairman, I have been particularly interested in the proposed bill which has been mentioned by our guest on giving the jury the alternative to recommend death or not. There are some questions I have put at some past sittings and this is a personal opinion, may I hope that such a move will be successful by our committee. I have no questions.

By Miss Bennett:

Q. Warden Duffy, I recall you saying that in the last twenty years the number of inmates have exactly doubled in your prison?—A. That is right.

Q. And that executions have remained fairly static?—A. That is right.

Q. What inference do you intend us to draw from that?—A. That if people who have committed crimes in our areas in 1930 with a population of over five and a half million and in 1954 of over twelve million, and our population doubling in that time, that surely if execution was a deterrent there would be a doubling in the number of people who were executed, at least, showing there that the courts themselves are sending but a very few people to the lethal gas chamber.

Q. Well, do you think that the death sentence itself deters juries from bringing in the proper verdict under circumstances and it brings about what you call this inequality of administration of law?—A. Yes, I do. I think in most cases juries are not willing or anxious to bring in the death penalty and it is shown from the statistics here on the number of people who are executed.

Q. There is one more question. How many states in the union have the lethal gas chamber?—A. There are eight; may I read them?

Q. Yes, I would like to know.—A. Missouri, North Carolina, Wyoming, Colorado, Arizona, Nevada, Oregon, California and—

The Presiding CHAIRMAN: Those are all western states?

The WITNESS: Yes.

Miss BENNETT: It is just a matter of information, but if it seems to be a more humane method, why has this not been more generally adopted throughout the United States?

The WITNESS: I think because methods other than lethal gas execution have been in effect over so many, many years that it is hard to make the changes, legislative changes, and to get the people who change our laws to agree that an expensive changeover is advisable. They may say: "Why not go on with what we have; after all, the person is dead no matter what happens to him so why bother?" It is only since 1936 that lethal gas has been in effect.

By Hon. Mr. Aseltine:

Q. Are there any states of the American union which still continue to hang the accused?—A. Oh, yes, there are eight states that have hanging yet.

Q. Do they also have electrocution?—A. There are 26 which have electrocution.

Q. They do not have both?—A. None of them have both. The only state that has a choice is Utah, and it has either hanging or a firing squad.

Q. I was just going to ask you if you would care to comment on the suggestion of mine that if we retain capital punishment in this country you might give the condemned the option of being hanged or of being electrocuted or of going to the gas chamber.—A. I personally would not approve, because I do not believe the other methods are as humane as lethal gas. Again, there is the disfigurement of the body to a great extent when the other methods are used.

Q. I am referring to a choice by the convicted person himself—whether or not he should have the option. He might not want to be hanged, but he might not object perhaps to being electrocuted.—A. He would not object quite as much possibly? No. I would not give him a choice. He is not in a mental condition to make much of a choice. He is a mentally or emotionally upset person, sometimes on the verge of insanity. We know that people cannot be executed legally if they do not know the difference between right and wrong, or where they cannot judge the seriousness and the quality of their acts; but in other phases of their natural make-up they are almost completely removed from reality. We have had to carry men to the gas chamber or to the gallows. We have had to drag them. But they knew a couple of answers, and legally they had to be executed.

Q. In this country we have not such a thing as first degree murder or second degree murder. Would you care to comment on the advisability of changing our law on these lines?—A. I would like to ask if I may just what the penalties are, or the degree of latitude which a releasing authority has in cases of the death penalty. How long does a man have to serve before he can be legally released in Canada now, if he is not sentenced to death?

Mr. BLAIR: If a man is convicted of murder he is automatically sentenced to death. A number of people sentenced to death have their sentences commuted by the executive and are sentenced to life imprisonment. Some of those who have their sentences commuted are later released. There is no set period for the release but a number of years would be served, probably many in excess of ten years, before release.

The WITNESS: There is no minimum term in other words. In California if a man is sentenced to life imprisonment his minimum term is seven calendar years before he can be considered for release. The average period is around seventeen years. Some of them die in prison.

Hon. Mrs. HODGES: Yet a prisoner could be let out after seven years?

The WITNESS: Yes, but again I wish to make it clear that it is rarely that a man is ever let out under ten calendar years. Usually the period is fifteen years or a little longer.

Mr. BLAIR: It may help Senator Aseltine and members of the committee if you could as a layman outline the difference in the various degrees of murder. What distinguishes murder in the first degree from murder in the second degree?

The WITNESS: That would, in some measure, answer your question, Senator Aseltine. I would recommend that you have different degrees of murder in order to enable the different types of sentences to be handled in a proper manner. Murder in the first degree would be if it is a crime of passion or a crime where it is not thought out too much—where it is not a planned, premeditated act. Where a death penalty comes in it may be premeditation—premeditation can be a matter of seconds or a plan which has been considered for a long time.

Murder of the first degree can contain some premeditation or it can be a crime happening in a moment.

Mrs. SHIPLEY: Is the first degree the worst?

The WITNESS: It is the worst. It could be a fight. If in the course of a "stick-up" there is an altercation and someone is killed that could be first degree murder. It carries a penalty of not less than seven calendar years, with a life sentence as the maximum. The next type is murder of the second degree which could be someone having a little trouble at home, or it could be again in the course of a robbery or "stick-up", where murder had not been planned.

Hon. Mr. ASELTINE: We usually convict them of manslaughter in cases of that kind.

The WITNESS: This murder of second degree covers, as its penalty, a period of from five years to a life sentence. A man sentenced under it cannot have his term set at less than five years, and he can serve any period up to life imprisonment. He can be considered for parole release after twenty calendar months, but his term cannot be set at less than five years. Again, I know of no cases of murder where men have gone out in twenty months after being convicted of a murder in the second degree. Usually it is six years, or a little longer. The offences of a more minor character, if you can call them so, would result in a man's release at the end of about six years, on an average. We have some second degree cases where a life sentence has been imposed.

Then there is manslaughter. It could be that a man has been killed with an automobile, or the case of somebody who is negligent in the handling of a weapon, or it could be death resulting from a fight where a person has fallen, possibly, and struck his head against a sidewalk, or where some instrument of blunt material has caused death. A conviction with respect to this carries a maximum sentence of ten years. It is from "0 to ten". We could let them out on parole after six months but of course do not.

Hon. Mr. ASELTINE: It is very seldom we let them out in this country until they have served at least half of their penalty.

The WITNESS: He is still not let out on the minimum; the minimum term is rarely used. Again I cannot recall any case where the minimum term had been used. Usually the men serve a considerable length of time.

By Mrs. Shipley:

Q. Who determines it?—A. I happen to be on that board. It is the California Adult Authority. We meet at each institution, there are seven in number. It takes us a complete month to make the rounds of all the institutions. We hear approximately 1,000 cases each month. We then determine between the minimum and maximum terms, or we may even decide that we should not take any action on a particular case. That happens quite often and the man goes back into the institution and builds up another record, good, bad or indifferent.

Q. I think you did not understand my question. Who determines whether it is a first or second degree murder which the man has committed?—A. The jury.

Q. Do you know whether it is the district attorney in some other states?—A. I do not know.

Hon. Mrs. HODGES: You do not have to lay a charge as being "first degree murder" or "second degree murder"? The jury would bring that in with their findings, would it?

The WITNESS: The prosecuting attorney does not have to lay the charge. He can in his argument fight for the death penalty in a murder case, or he can say that it is a matter which he believes it to be a "first degree" case.

Hon. Mrs. HODGES: I understand that after that verdict is rendered the case becomes a matter for your board, and you review it, and decide how long the man should be kept in the penitentiary.

The WITNESS: We are operating under what we call an indeterminate sentence law. The court does not set any sentence whatsoever. When a judge makes his final presentation he says the jury has found the defendant guilty of whatever crime it might be, and adds "I therefore sentence you to serve under California in the Department of Correction for a term transcribed by the law." That term is in the penal code with a minimum and a maximum.

The PRESIDING CHAIRMAN: We shall go into this in greater detail when we discuss corporal punishment.

Hon. Mr. ASELTINE: I would like to ask Mr. Duffy another question. Do you think then that in this country it would be a good thing if this committee were to recommend that our law be changed so that we would have cases of first degree murder, second degree murder and that kind of thing?

The WITNESS: I do because it would define the type of murder.

Hon. Mr. ASELTINE: It would be more humane?

The WITNESS: Yes. It gives the different types of offence an opportunity to be considered in their own brackets.

Hon. Mr. TREMBLAY: Mr. Chairman, referring to that proposed bill prepared on account of the reluctance of members of the jury to take the responsibility for capital punishment. Would you not think that if you imposed that duty on the jury it would mean in practice the elimination of the death penalty.

The WITNESS: It would not mean the complete elimination, Senator, but it would reduce the number of commitments, according to my way of thinking.

By Mr. Montgomery:

Q. I would just like to take that question one step further. It would depend upon the type of jury which happens to be sitting on a case?—A. Plus the way the prosecuting and defending attorneys present their arguments. Yes.

Q. Do you think there would be any more consistency than we have at the present time? What views do you have with regard to that?—A. I think as I said before, that all of the evidence being presented to a jury they should bring a complete verdict.

Q. You feel that it is their responsibility?—A. Yes. They do it in other types of cases except cases of murder, such as robbery, forgery, sex cases and so on.

The jury decides in those cases—decides what section of the code a man should be committed under.

Mr. BLAIR: If a man is, say, convicted of robbery by the jury, the Criminal Code of California itself determines the sentence—for example, from five to twenty years? The judge has no discretion to fix the sentence?

Hon. Mrs. FERGUSON: I am anxious to reach the question of corporal punishment Mr. Chairman because it seems to me we have covered this subject quite thoroughly. But there is one question which I would like to ask. Mr. Duffy mentioned that execution by shooting was optional in Utah, and I have had people ask me from time to time why we do not have shooting. Have you anything against it, other than that it mutilates the body?

The WITNESS: That is about all I have against it.

By Mr. Thatcher:

Q. Several witnesses whom we have here so far have suggested that execution by means of gas chamber is somewhat dangerous to the attendants who have to be there. Would you like to comment on that aspect of the matter?—A. Yes. In the 89 executions at which I have officiated—and I have witnessed some before that—there has been absolutely no time when anyone was in danger, all the precautions being taken which are outlined in this little duplicated sheet that we have before us (See Appendix A—Part II). These instructions when properly carried out ensure us that there is no danger. The gas chamber is sealed and there is no possible way for the gas to escape, thus being assured by tests which are made just before the lethal gas is formed.

Q. Your opinion is that it is quite safe.—A. Quite safe.

Q. That is all Mr. Chairman.

By Mr. Blair:

Q. Mr. Duffy, according to the table of times presented in your appendix (Appendix A—Part III), it takes approximately six minutes in an average case between the time a man enters the gas chamber and unconscious is produced. There is evidence to the effect that the time taken in the preliminaries leading up to a hanging is considerably less than that and I wonder whether

you would be prepared to tell us that you feel execution by lethal gas is more humane even though it takes longer than hanging?—A. The actual time from the time when the man starts walking, in a hanging, until he is dropped through the trap is less by far than what you have mentioned—it can be done in a minute or a minute and a half, but there is a considerable amount of time spent in preparation before that—five or ten minutes—putting the straps on the man and getting them adjusted properly, and all of that.

Q. You would consider from your experience that even though the time taken for a hanging is less than is needed for the other method that the fear, or the traditional horror surrounding hangings counterbalances the greater amount of time taken in the gas chamber?—A. I do definitely because I have noticed the reactions of the many men who have been hanged and those who have been executed by lethal gas. The actual fear and horror on their faces is not there in the case of execution by lethal gas; seldom do they have that frightened and strained expression when they are brought in and are seated in the gas chamber as they have been when they are approaching the noose that they see hanging right there before them, with the black cap beside it, and are required to stand on the trap door.

Q. Have you any reason to believe that hanging might be a greater deterrent than lethal gas?—A. No. I think statistics will prove that it has not been since 1937 when lethal gas was brought into use in the state of California there has still been an average of nine executions a year, despite the fact that the prison population and the state population have doubled.

Q. I asked that question specifically because there was a committee of the House of Commons in 1937 which considered the question of substituting lethal gas for hanging, and one of the considerations in their mind was that lethal gas would be less of a deterrent than hanging.—A. Again let me repeat that those who are out in the criminal world do not expect to get caught and therefore they are not concerned whether the death penalty is carried out by hanging or by lethal gas or by electrocution. It is just that I feel lethal gas is a more humane method, and easier for those who participate and for those loved ones who take the body away and who have committed no crimes.

Q. It has been suggested to this committee by other witnesses that if there were no death penalty for murder the police would be exposed to greater danger, and that those who are engaged in serious crime would have less hesitation in shooting their way out of trouble. Have you any comment to make on that?—A. Of the thousands upon thousands of prisoners I have interviewed and with whom I have talked, let me say once again that they have not considered the police or anyone else in the commission of their crimes. They have just gone ahead feeling they would not be detected and that they would “get away with it”.

Q. Then do I understand your view to be that if there were no death penalty for murder the police would not be exposed to any greater danger than they are at the present time while the death penalty is in force?—A. My opinion on that is that I do not believe they would be exposed to any additional hazard because of the abolition of the death penalty.

Co-CHAIRMAN (*Senator McDonald*): Do you know enough about electrocution to say whether or not a reduction in the strength of the current could be made so that without any loss of efficiency, burning might be prevented?

The WITNESS: I am sorry sir I do not know. I cannot answer that question because of lack of experience or knowledge on that point.

By Mr. Montgomery:

Q. I would like to ask Mr. Duffy whether he knows of any case where an accused man had to be hanged a second time in order to bring about death?

—A. I cannot point to any specific case. I have heard, however, it has had to be done. I have heard, too, of cases where there have been decapitation, which would of course not happen in a lethal gas chamber. I believe that in Texas or in Arizona—I cannot remember which—a woman was hanged and decapitated. That happened a few years ago.

An Hon. MEMBER: Not in California?

The WITNESS: Nothing like that has ever happened in California.

There is one thing which I would like to say to the committee if I may, Mr. Chairman. If you do consider the lethal gas chamber and if you adopt that method of execution in Canada you should set the unit aside from the regular buildings of the institution—install it in some remote place, possibly outside the walls, where the witnesses can come without being detected by too many of the prison population or the staff; a place where the prisoner can be quickly and quietly brought to the gas chamber and placed in a room adjacent to it, but unable to see the chamber itself. The witnesses should be confined to the witness area, and should not be able to see the executioner, the warden, or anyone in attendance. They should be in the witness room only, looking through the windows.

Let us not make a spectacle out of it. Do it as humanely as possible, and let no one participate who does not have to.

By Hon. Mrs. Ferguson:

Q. In Canada we do not always have our executions in a central place. Would you recommend that executions should all take place in a central prison?—A. Yes, I do. There are so few that I think it would be better to have them carried out by a trained staff. This unusual type of procedure should not be placed in the hands of too many people throughout the Dominion.

Q. Are executions always carried out in a central place in California?—A. Yes. At San Quentin.

CORPORAL PUNISHMENT

The PRESIDING CHAIRMAN: Probably we can proceed now to discuss corporal punishment. Members of the committee will note that Mr. Duffy has a brief dealing with corporal punishment—the latter portion of the brief which has been submitted to us. By the way, since Mr. Duffy is not reading from his brief I think at this point it might be appropriate to suggest that the brief as submitted be appended and made a part of the printed record of this meeting. Is that agreed?

Agreed. (*See Appendix B, Parts 1 and 11.*)

The PRESIDING CHAIRMAN: Mr. Duffy, would you like to deal now with corporal punishment?

The WITNESS: Yes. Throughout all of my life I have lived with corporal punishment.

Since my childhood I have heard it said that prisoners were delivered to prison to be punished. I have said throughout these many years that "Confinement in itself is punishment" and from the moment a man entered the prison gates until his eventual release every effort should be made to re-make that person and to change his attitude and his emotional make-up. This work should be approached at a constructive level that can only be done by working with the prisoner and through a staff competent to carry out such a program. Years ago we used to have striped uniforms in our prisons. Prisoners were dressed in the familiar striped clothing which was, of course, a method of distinctive marking. Looking into the prison yard from the area of the warden's

residence one would see many "striped" prisoners and some red-shirted prisoners as well—prisoners wearing a very bright red shirt. That again was to mark them because they might have attempted to escape or have committed some breach against a rule of the institution; they might have been out and returned, and so on, and they wore red shirts so that the officers could pick them out easily as people who have to be watched carefully and kept under close supervision. As time went on stripes were abolished and prisoners were put into grey uniforms or dressed in blue jeans and a blue shirt with a grey jacket.

In the early years of California prisons many types of punishments were used. San Quentin had a "water cure" which consisted lashing a man to the deck and slowly dropping water on his stripped body. In no time at all it was like a sword piercing the body, and the man would become insane. They also had the straight-jacket. I can remember as a child, around the streets of San Quentin hearing the screams of prisoners who had been lashed up for months; prisoners who had been fed with laxatives while in their straight-jackets and were not loosed until their punishment period was over, and that would be at the pleasure of punishment officers. I know of prisoners who were maimed for life from the straight-jacket. They required to use crutches afterwards, and had gone out with a very bitter attitude.

When I first started work at San Quentin in 1929 there were still various types of corporal punishment being used none of which were legal—none of it authorized. For instance, 1930 while taking a census of the prison population I went down to the "dungeon" for the first time, and I found in one very small cell between ten and twelve prisoners. There were 13 cells in all in this underground "dungeon" area, and absolutely no facilities. None whatsoever. No light, no toilet facilities, no water, no beds, no blankets—just a cement floor and in a corner a little cement stool built into the wall for a man to sit on if he did not wish to sit or be on the floor. If the inhabitants of such a cell became noisy in the "dungeon" a bucket of lye was thrown in and a bucket of water followed.

The PRESIDING CHAIRMAN: How long ago was that?

The WITNESS: The "dungeons" were in use until 1940. The lye had stopped a little before that. Heads were shaved as a means of punishment.

There is another section of the prison known as "isolation cells" which is still in use. Right outside of these "isolation cells" there was a round ring painted on the floor just a little larger than the size of the body of a normal man. For eight solid hours a day prisoners were required to stand in front of their cells inside these circles and at attention and if they moved or talked to another prisoner they were taken to the officer's quarters of the section and flogged either with a rubber hose or with a leather strap.

The governor at that time, in the late thirties, knowing that there was brutality and corporal punishment within the walls and knowing there was no program to amount to anything as far as rehabilitation of the prisoners was concerned, caused an investigation to be made and it went on for about two years or possibly a little longer. An interesting side line to that was that I had been secretary to a warden who had retired before that; a new warden came in and was there for a few years, and when he came from another institution in California he brought his own secretary with him. Then I worked for a brief period of time as historian, statistician and then as secretary to the parole board, the board of which I am now a member, later called the Adult Authority. I was also on a dual job known as secretary to the board of prison directors who were in charge of the prisons in California at the time. The governor having won his case after many, many long hearings, the old prison board was ousted. Now, I was secretary to the prison board

that was ousted. The warden was called in to the new prison board which had been appointed by the then governor, and after about two hours' conference he resigned under pressure. I was brought in next and I thought the next thing that was going to happen would be that I would be asked to resign because I was secretary to the board that had, just an hour or two before, walked down the sidewalk, relieved of their duties. However, the new prison board had not been able to agree on a warden; two of them wanted a retired navy captain, but the others were not in agreement so they were without anyone to run the prison. They called me in and they asked me if I would take over for a period of thirty days. I had been there at San Quentin, worked at the institution about eleven and a half years, and they wanted me to watch over it for thirty days.

Well, of course, these things I have been telling you about had been going on inside the prison walls with little or no program for the men and they were going out bitter rather than with an attitude that they wished to better themselves or with desire to become good citizens. I started to make some of necessary changes, knowing too that the governor had certain changes in mind and the prison board had others. The first thing I did was, of course, relieve a few people of their duties and abolish the dungeon. To be sure they would not be used the very next day I had a crew of men go down there and take the doors off. We abolished immediately the use of the strap and the standing on the spot in isolation. The strait-jacket had been abolished several years before by a previous warden. Heads were no longer shaved.

Then we started in to build a training and treatment program. When a prisoner prior to that time was received, he was placed in a prison yard and was among old time prisoners, let us say, men who had been around institutions, jails and reformatories a good number of years, and he may have become involved with or, at least, would listen to these people. He would wait ten or twelve days or sometimes two weeks before assignment day before the staff got to him. We immediately established a little receiving unit, segregating these men in an area away from the others. Our staff would explain to them prison life and the kind of program we were developing for and with them. They remained in that unit for a period of three or four weeks at that time; now it is between six and eight weeks; and while in there they were interviewed by various members of the staff. I just wanted to brief that part because it was a little later on when Governor Earl Warren called a special meeting of the legislature and proposed a department of corrections with a director of corrections in charge and created at that time the Adult Authority of which I am now a member. When the department of corrections was created there were more personnel and more finances to set up a regular receiving unit and it is called the reception guidance centre. I will try to be as brief as I can in telling you of this procedure.

When a man is first received he goes into a segregated unit and is seen only by officers. He goes through the usual business of being recorded; he is taken to the hospital and the doctor gives him a complete checkup. Then he goes to what is known as the reception guidance centre, a section in San Quentin of the cell block area where he is segregated for six to eight weeks. Now, in Chino in southern California, the minimum security institution, there is a new reception guidance centre so San Quentin no longer receives all the commitments, it receives the northern half of the state commitments and Chino receives the southern half of the commitments. Later on they are transferred in accordance to where they might fit best. The man is dressed in an olive-grey cover-all while in the unit, and if he is seen anywhere out of bounds within the prison we know he does belong there. When these men are

in the guidance centre the psychiatrist, sociologist, guidance counsellors, chaplains and educators give them their tests and they are all recorded. This is known as the Cumulative Case Summary. You have a copy of a typical case before you. (*See Appendix B—Part II*).

After a period of approximately eight weeks has passed, during which time as well we delve into the man's past life from the time he was born, his family history, anything about his complete life is all recorded. Possibly a pattern may have developed because of lack of family training in his formative years, the type of training that is so necessary for people to live properly in this world. Then the staff of the guidance centre review the case and they decide from all the information available just where the man should be transferred. If he is a long term recidivist he may go to the institution known as Folsom, which handles more of the long-term type people and some of the maximum security men. If he is a minimum type person he may go to Chino which has just a wire fence instead of walls, and there are other intermediate institutions that he may be transferred to.

The guidance centre staff recommend as well the type of training and treatment that the man should be subjected to while he is in any one of these institutions. When he arrives at the institution on transfer the institution classification committee review the findings of the guidance centre staff and they try to place the man in accordance with the recommendations. It could be they recommend he should take an academic course, he may want to get his grammar school diploma which he can do and is issued by the state department of education with no mention made of prison. He may even go on into high school and get a high school diploma with no mention of prison on it: If he wants to learn a trade he can be placed in one of the shops recommended by the guidance staff developed from their listings. Our trades fortunately have, after many years of work with the unions and with their cooperation, been set up and handled through union contacts. Using one of them as an example, the automotive trade, the automobile mechanics union sponsor the program in the institution; they come in and set up the type of program which should be used, the type of training, the type of equipment. They also come in and conduct the testing of the men in the classes. They also give accredited hours for their journeyman's card issued by the local union with no mention made of prison. This system is used by many of the trades, just about any one you could mention that would fit in prison training.

Every effort is made to keep the men busy in sports and church, educational programs and in little groups, and more recently, and very, very important, noting that most people come to our institutions because of an emotional upset and a need for a change in that emotional make-up, there has been developed among the staff, trained personnel who hold group counselling sessions away from their assigned hours. They can be guards, they are called correctional officers, they can be shop people, they can be some of the administration staff; but they are properly trained before they are allowed to set up their counselling groups. For the first time there are many counselling groups working with the prisoners. They have, previously been small counselling groups conducted by psychiatrists and a few socialists. In one of our prisons now there are 75 of the staff who have group counselling units. The inmates in that prison are, most of them, long-term offenders and violators and recidivists and today they think that something very wonderful has happened to them. I do not think it is to carry favour at all because that type of person is sceptical and he is not trying to curry favour with too many people; but for the first time the counsellors are getting under the skin of these people; they are bringing out the faults they have that they have not recognized themselves; they are teaching them how to cope with their emotional disorders and they are showing them how they can live with them when they get on the outside.

For the past eight years when we have been keeping better statistics we have noticed with regard to men leaving our California prisons on parole that the parole successes have increased approximately two per cent per year, and some years a little better, which means that the training and treatment programs is paying off. Much more so than if corporal punishment were used as in the early days and as recent as the late thirties and early forties. When subjected to corporal punishment a man leaves a prison with resentment and hatred towards law and order and you cannot work with a man towards his rehabilitation by using corporal punishment. I have never known a prisoner yet who has not resented completely any type of corporal punishment and I know that he is hard to work with. You may have some questions you may wish to ask on corporal punishment. If so I will do my best to answer them.

The PRESIDING CHAIRMAN: Mr. Blair, have you any questions you would like to submit?

Mr. BLAIR: May I wait until the committee is finished?

The PRESIDING CHAIRMAN: Certainly. Mr. Montgomery?

Mr. MONTGOMERY: Mr. Chairman, I was so absorbed in listening that I have not any questions at the moment.

The PRESIDING CHAIRMAN: There is one question I would like to ask. We found out that you were given a thirty-day trial at this institution but I do not think we found out what happened when the thirty days had terminated.

The WITNESS: After the thirty days the board of prison directors came back and they still did not have a warden they all approved of. Just about everything that they wanted to do had been started as far as changing the prison over was concerned, so they asked me to remain another thirty days. After sixty days they agreed that what I had accomplished toward abolishing corporal punishment and setting up this training and treatment program was effective. They knew that I was always keeping in mind the protection of society. They gave me a four-year appointment.

The PRESIDING CHAIRMAN: You remained how long?

The WITNESS: I remained until 1952, eleven and a half years.

By Hon. Mr. McDonald:

Q. What kind of punishment would you give today to prisoners who, before your time, would have been strapped?—A. First we would take them before a disciplinary committee. One thing I noticed in regard to work around the prison was that one person, in years past, administered punishment, he was a captain, and it was his decision whether or not the man went to the dungeon, or went to isolation or was required to remain on the spot, standing on the spot or could be lashed. Well, I abolished that almost immediately. There has been set up a disciplinary committee composed of the associate warden in charge of training and treatment, the associate warden in charge of custody, a psychiatrist, the warden and a clerk of the committee, and every prisoner who violated a prison rule had to have written charges submitted by the arresting officer, written charges reviewed by the captain and in an emergency he could place him in a holding cell, in isolation, and then on a set day of each week the prisoner was brought before this committee. This whole committee reviewed the infraction and a man could remain in this isolation section no longer than 29 days. In isolation he receives the main line food, in the cell there is a bed, mattress, blankets, a pillow, wash basin and a toilet and a Bible and, shortly after 1940, books of the type. I remember the title of one was "Get Wise to Yourself," and that type of book. While in isolation he is interviewed by different members of the staff to find out why

he got into trouble. He stays there for a period of meditation too. The stay in isolation averages between seven and eight days rather than the full twenty-nine. The cells are the same as any other cells throughout the institution.

Q. It means what the term implies; they have no visitors at all?—A. Well, we are not quite that strict; if a man's wife or his mother comes we would let him have a visit; but if it is just a friend we would not allow it. We would not send a mother away who came from Los Angeles or from a distance and tell her she could not see her boy, and the same applies to a wife.

By Mrs. Shipley:

Q. This question is probably a little off the beam, but I would be very interested in knowing how you assure yourself that none of your protective staff were guilty of causing what the prisoner might have done to require this serious punishment. How do you make sure they are not sadistic or they are not at fault?—A. Well, when you have a committee of four or five reviewing the evidence and it is discussed back and forth you can usually bring out the fact that there is some angle to the charge and if so it is dismissed. There are rare times when charges are dismissed, they are found to be untrue and unwarranted.

By the Presiding Chairman:

Q. What do you do with the guard?—A. He is brought before the captain and reprimanded if he is at fault.

Q. I presume if he was found guilty of some sadistic act that he would be dismissed?—A. Yes, we never allow any guard or officer to physically attack a prisoner, nor will we allow a prisoner to physically attack any of the employees. The only time an employee may move in on a prisoner is when there is some force or violence by that prisoner. We have eliminated clubs and there was a bit of, shall I say, resentment from some of the staff, a very few of them, when we eliminated the billy clubs, a policeman's type club.

By Mr. Montgomery:

Q. Are they permitted to carry any weapons?—A. No, no weapons at all on the ground. At one time guards used a cane, an ordinary cane but loaded near the bottom which you could poke or hit a man with, and that was eliminated. First the cane was eliminated and then in the gradual process the clubs were eliminated. Then as time went on at San Quentin, about 80 of the armed post-assignments were done away with and some of these men were assigned to ground to work, as supervisors, etc. In certain areas of the institution, providing you have a good classification system, you may assign men to do work in the outside areas that are not risks in the minds of the classification committee. That committee is a committee of about eight people who determine what classification a man shall work under. You have but very few incidents. A classification of "maximum" works inside the prison walls and is only allowed to be in certain areas, he cannot go to night school, for instance, and cannot be out of his cell at night.

The PRESIDING CHAIRMAN: Do you mean to say there are occasions when the prisoners are allowed out of their cells at night, in the evening?

The WITNESS: At the classrooms at San Quentin if you were to go down there tonight between 6 o'clock and 8 o'clock or 8 o'clock and 10 o'clock there would be at least 1,800 of them out of their cells in classrooms, possibly 2,000. "Close", "Medium", and "Minimum" custody men are allowed into the educational building to go to school at night; "medium" custody men are

allowed to work outside the walls but within a wire fence and "medium B's" are allowed to work outside the walls but outside the wire fence area where there is an officer in charge. "Minimums" can work outside the wire fence area but in an area where there is only occasionally an officer who goes around and checks him and his work. "Minimum" type security men can be assigned and are assigned to our forestry camps in the mountains and remain there, and in the highway camps in the mountains, building roads. With that type of a classification program you have very little trouble within the institution, as men are properly assigned.

By Mr. Montgomery:

Q. Is that similar to what other prisons call their honour system?—A. Well, about the only one you could call the honour system would be the prison camps.

Q. Have you a farm in connection with San Quentin prison?—A. They do not have any farm as such at San Quentin but San Quentin has a hog ranch and a dairy ranch located just outside the walled area at the far end of the property and there are about 100 men who sleep and live there around the clock.

Hon. Mrs. HODGES: Those are prisoners?

The WITNESS: Yes. Adjacent to that there is another dormitory that houses about 200 who are the outside maintenance type of prisoners and they sleep and eat there. Both units are supervised by an officer.

Mr. FAIREY: Do the men in charge of these outside camps carry any weapon of any kind?

The WITNESS: Men out on forestry camps and road camps carry no weapons whatsoever. No weapons are carried by the officers at the ranch or dormitory.

Miss BENNETT: What trouble do you have with riots and large-scale disturbances?

The WITNESS: We have very little. Prior to 1940 we had a considerable number of riots. During my time at San Quentin I had one which you might call serious and it was a sit-down strike in the jute mill where jute bags were made and sold to the farmers of the state. Regarding the jute mill itself, the physical make-up was very old, the building leaked like a sieve in the wintertime, it was very dingy and dark and it was not a very nice place to work. However, the strike lasted only a very few hours and there was no violence whatever, no one was hurt.

The Presiding CHAIRMAN: No snow came through the windows or the leaks in the roof?

The WITNESS: I will have to answer that by representing the Chamber of Commerce and say that during my years at San Quentin I have known three times that we have had any snow and then only a few flakes.

By Mr. Fairey:

Q. Mr. Duffy, I take it that in no case did the court award a punishment which carried corporal punishment?—A. No.

Q. That is contrary to the state law now, is it?—A. Yes, it is and always has been.

Q. And no corporal punishment of any kind for disciplinary action within the institution at all?—A. None whatever.

By Miss Bennett:

Q. Mr. Duffy, your prisoners are of the general run of prisoners, they are not specially picked men for San Quentin?—A. No, San Quentin has about everything you could think of, "maximum" to "minimum".

Q. You are getting these results from the average run of mentality?—A. Yes. Look at corporal punishment this way: there is resentment from anyone who might be, shall we say, brutally treated; there is resentment in our own homes with our children; or if you kick a dog he is going to fight back. They place a man who has violated a prison rule in the isolation area and try to find out what is wrong with him. Where is he going to go from the isolation area? He cannot give you any trouble, he is not going to go anywhere, he is not going to break out, he cannot move away; and we have a chance to work on him and with his difficulties.

By the Presiding Chairman:

Q. Would you tell us about the average population of San Quentin?—A. Yes, when I took over in 1940 it was 5,560; during the war period it reduced gradually to around 2,800. Then after the war it gradually came back up to, in round figures and is today about 5,000.

Q. I understand that is about the total population of all the penitentiaries in Canada.—A. That is about right, but there are over 14,000 in California prisons today.

Mr. FAIREY: Would you care to comment on the place of religion in your institution?

The WITNESS: Oh yes, religion plays a very definite and very important part. There has been additional chaplain services added to our institutions, all on the prison payroll.

* Hon. Mrs. HODGES: For 5,000 men?

The WITNESS: I must explain; the increased service from this one chaplain in the Catholic religion to two full-time assigned chaplains on the prison payroll who not only conducted their religious day services but interview each and every Catholic inmate and others who wish to see them. They are really wonderful people and they will help anyone. They have Bible classes and study periods and worshipping hours other than the regular service days. They interview parents and make contacts with the families on the outside from a religious angle the inmates loved ones, through these contacts, know they are serious about their religious attendance.

On the Protestant side there was one full-time Protestant chaplain; we have now two at San Quentin. We have a Jewish rabbi who services San Quentin and Folsom. The reason he is only part-time is that there are very few Jewish people in prison and there is no need for a full-time chaplain. However, he comes throughout the week and goes to Folsom regularly. They have similar religious programs and contacts. You will see men who for the first time in their lives are going to church and getting a lot out of it and going to Bible classes, and those that may have a voice of some note are in the chapel choirs, some are acting as altar boys, it is really a very, very important part of the program. The chapels are completely filled each Sunday and each service day.

Mr. FAIREY: Is that voluntary?

The WITNESS: Yes.

Hon. Mrs. HODGES: You say you have two Protestant chaplains, they cover all the denominations in the Protestant faith?

The WITNESS: Yes, they do. In addition the Christian Science practitioner comes over as well on the regularly assigned days. Visiting ministers are invited to conduct services from time to time.

Mr. FAIREY: On this question of culture, what about music?

The WITNESS: Well, there are all types of music. They have little jam sessions down in the yard on their days off, not work days there is a prison orchestra that can be divided into sections, the string section and a regular orchestra. Sometimes they go into classical music, but mostly it is the popular numbers. Quite a few of the prisoners write songs, very few are sold but occasionally there is one sold. We had a program called "San Quentin on the Air" where we broadcast a half-hour program. It went first over the San Francisco area and then it was nation-wide and went to the armed forces overseas. It was done not only to entertain the people who were listening but there was a brief three or four minutes of explaining to the listening public the program that was in effect for prisoners. Sometimes there were talks on juvenile delinquency, the responsibility of the parent, what we are trying to do with the men inside the walls and how they could help with this problem when the men leave the institutions.

Hon. Mr. McDONALD: You have athletic competitions?

The WITNESS: We do. We have teams which participate and which represent the different departments. One big day is called "The Little Olympics" and it is sponsored by the San Francisco Olympic Club who bring their people over to take part in the event. Throughout the year there are boxing competitions—the men in prison like this type of sport particularly; even outside boxers will come in and put on a match with some of our prisoners either boxing or wrestling. There are baseball teams, and several teams from outside come in to compete with the all-star team of our institutions.

By Mr. Montgomery:

Q. I do not want to monopolize the time of the witness, but I have two questions to ask which come to my mind. Can you give me an idea of the average age of your population?—A. At San Quentin it runs about 29 years.

Q. Is there any one particular crime which seems to be more prevalent than others which brings these people to the penitentiary?—A. The first in number would be the different types of forgery—forgery by means of bad cheques, forgery of endorsements, cheques returned on account of insufficient funds, etc. Such offences will be at the top of the list—I am giving this information without referring to any statistics, though statistics on the subject are available. Next in number are the men convicted in respect of robbery, whether at the point of a gun or in the course of breaking into a dwelling house and taking something which does not belong to them. Then the list extends to burglary and then to the different types of sex offenders.

Q. Have you an institution which deals with teenagers?

The PRESIDING CHAIRMAN: A youth authority?

By Mr. Montgomery:

Q. Are there many of these prisoners who have gone through similar institutions who have received corporal punishment before they arrived at the penitentiary?—A. There has never been corporal punishment legally administered in California. Never.

Hon. Mrs. HODGES: But it has been administered illegally?

The WITNESS: At San Quentin, and that I know of personally, as I have told the committee.

Hon. Mrs. HODGES: But not in these other institutions to your knowledge?

The WITNESS: I have heard rumours that it has been administered at times in other places but I cannot say that this is so from my own knowledge.

The PRESIDING CHAIRMAN: I know that we are imposing on you—you have been on the stand for nearly three hours. We cannot get a room for this afternoon, but if we could arrange a session I can assure you we would avail ourselves of the opportunity. If you do not mind we would like to continue this discussion a little longer. Before you get away from the subject of the trades which you teach and the education which you give the prisoners, would you tell us about the introduction of hobby shops?

The WITNESS: In establishing the first hobby shops in any Californian prison I asked the state legislation to pass a law to allow us to make trinkets in prison as an "idle time" activity not to be carried out at any time during a work period, nor with any state materials, and understanding that the items made should be approved by the staff of the institution and sold at the institution only, thereby ensuring that we would not be competing with outside industries or outside hobby craft. That permission was granted in or about 1941 and we set up a little unit in the prison. At first we had to take advantage of donations from outside interests to get the project started because of the lack of money. Some material such as hardwood, leather, metals, and the like were donated. Some small machines were made available to us, the kind you might find in a small hobby unit at home. That small start gradually developed into a very nice unit. Prisoners became members of the Hobby Craft Association and could not remain members unless their conduct was good. The materials used are paid for by the men themselves out of money which they may have on the books or which may be sent to them by friends or relatives. Or we can give them a start because there is now a little money or materials available in the association. A small percentage of all the money which the men make on sales is deducted and put back into the association so that there may be no drain on the taxpayer. There have been no complaints from the inmates at all and very few infractions of the rules of the association. The most common infraction is where a man will take into his cell a piece of equipment or material to work on.

The PRESIDING CHAIRMAN: At what hours of the day is he allowed to work on these hobbies?

The WITNESS: Mostly in the evenings or on non-work days such as Saturday afternoons, Sundays and general holidays.

The PRESIDING CHAIRMAN: What items would they be chiefly turning out—leatherwork, ceramics?

The WITNESS: Leatherwork, billfolds, wallets, ladies' purses, briefcases, art work, novelties—this briefcase was given to me by the men as I left San Quentin. It was made by the hobby group and presented to me by the whole inmate body.

Hon. Mrs. HODGES: It is a very beautiful case.

The WITNESS: They do leather and metal work and they make buckles for belts; they make little pins for women's lapels, rings out of plastic and make any number of handmade trinkets. We never allow them to get into a "production line" type of operation.

Hon. Mrs. HODGES: No work is done in the cells?

The WITNESS: Some men can work in their cells, certainly, but they cannot have certain types of tools in their cells which would disturb the other men around them, or would be dangerous to or used by others. They cannot be pounding on leather for example.

Hon. Mrs. HODGES: They may have knives?

The WITNESS: Yes, if they are proved by hobby manager and the captain.

Hon. Mrs. HODGES: In the institution at Dorchester in Canada inmates who are alcoholics are helped by the Alcoholics Anonymous. Do you have anything like that in San Quentin?

The WITNESS: Yes, and I will have to explain that by saying that I set up the first Alcoholics Anonymous program ever to be set up in any prison I know of. I do not say that just because I did it. It looked like the right thing to do.

Realizing that good number of the men who came into our institutions had an alcoholic background I made a personal survey while I was secretary to the parole board, of cases which had been before us for more than two years and I discovered that about 65 per cent of the men who came to our prisons were either alcoholics or that alcohol had played a part in their case or had been mentioned as part of the background of the crime. It was evident that something should be done about that problem so I talked with the parole board about it. We asked the Alcoholics Anonymous to come to San Quentin and experiment with the men who came to our prison on account of alcoholism. This has been going on since 1941 and the local chapters in the Bay area—six or seven of them—take turns to come in at weekends and continue the program. Once every three months they have what is called an "open house" where they bring in quite a number of outside people from all of the groups and rather than hold these little sessions where there may be two or three or perhaps half a dozen inmates talking with one outside man, the large group assembles every three or four months, as I say. We know it has paid off very definitely in helping to save men from committing new crimes because they cannot control their alcoholism. Some men stumble and come back, but there would be more if it had not been for training they received from Alcoholics Anonymous.

By Mr. Thomas:

Q. I have just one question to ask, Mr. Chairman. Mention was made quite frequently of isolation as a means of punishment. Is there any degree of isolation—any variation in the manner of the punishment other than the period of time which elapses. Are there certain restrictions placed on food and so on?—A. There are really two units. One termed "isolation", and one "segregation". Neither of them is really defined as a punishment. They are sections established in order that we may find out why people do certain things and to allow them to meditate for a short period of time. The isolation section about which I told members of the committee has a limit not to exceed 29 days imposed on it, but the average length of confinement there averages seven or eight days.

Q. There are no further restrictions? For example you do not put them on short rations?—A. No. Mainline food, but with no desert.

The other type I spoke of is termed "segregation". Segregation is just one section of a cell block set aside for fellows who are a little bit incorrigible—and people who refuse to work and who have a bad attitude. They remain in this unit and do housekeeping there and a few odd jobs. After they are first placed in segregation they can graduate from number one to number two and number three before coming out on to assignment again. I may add that there are only a few men in that unit. Just a handful.

Q. They are more or less non-cooperative types?—A. Yes, it takes a little longer to get to those people.

Q. There is no limit to the amount of time they can spend in segregation?—A. No, but the disciplinary committee and the classification committee both review their cases once each month.

By Mr. Leduc:

Q. Is there a similar organization established for women?—A. Women prisoners are under a Board of Trustees. If I may explain, the Department of Corrections is headed by a Director of Corrections, Richard A. McGee and he has controlled management of all institutions which pertain to adults, including the women's prison, but the women's prison has a separate board, a Board of Trustees, which handles the question of the prison term, the release of the girls and some of the program within the institution. We do not come into much contact with them although we are all on the Board of Corrections. The Adult Authority Board are also members of the Board of Corrections as are the members of the Youth Authority. There is also one lay member. We are advisory to the director in the handling of all these institutions. Each individual board handles its separate functions under the law, and the women's board, as I say, handles its own affairs. The Adult Authority functions briefly as follows: It is a five member board with six members. We consider the fixing of sentences and parole. We supervise parole handling on the outside. The board was set up when there were only about 3,000 inmates in our institution. We need more members and this has been recognized. Our duties are to determine between the minimum and maximum terms of sentence, to be sure that men have changed in their attitudes and in their personal make-up and that they have bettered themselves while in the institution. If not, we do no consider their terms of release dates. Our first function of course is the protection of society. From that point on we try to evaluate the inmates and project ourselves into their future, all of which takes quite a bit of time. The cumulative summary is used and the inmate makes a personal appearance before us. We hear about 1,000 a month and over 14,000 a year.

By Mr. Blair:

Q. I have just one question to ask Mr. Duffy. It has been said to this committee that it would be unsafe to abolish corporal punishment in institutions because of the advisability of retaining it as a "last resort" punishment to control serious disturbances and attacks upon prison staff. Would you care to comment on that?—A. As I have already said, we had corporal punishment prior to 1940. There was some concern among some of the old prison staff members that there would be many incidents and that they would not be safe; there were representations that they had to have some type of protection in order to function properly, but as I told members of the committee we abolished corporal punishment in 1940 and established the system which I briefly described, and we have not had these incidents. People have not been subjected, too many times, to danger by inmates. In the course of in-service training, officers are trained not only in the art of self defence, the use of firearms and so on but in the many other ways of handling inmates—how to conduct themselves properly, public relations, everything you can think of which would be beneficial to the staff is required in this course in the in-service training programs. That program goes on and on. There is no end to it. The courses are conducted by a member of the staff who is a training officer and who is so designated by the Civil Service requirements.

Q. And in the accomplishment of this program you carry your staff with you? You do not have difficulty with particular members of the staff who feel it is the wrong type of treatment to follow?—A. We did at first with a certain few, but when the program started to develop and they could see the good which was coming from it, and how it was working for the inmates and bringing them out of their previous difficulties, and when it was seen that incidents happened but very very seldom this feeling gradually changed. There is little or no concern now among the staff that anything such as has been suggested is going to happen, and if it does they are trained and can all deal with it properly themselves.

The PRESIDING CHAIRMAN: Now if there are no further questions I want, Mr. Duffy, on behalf of this committee to thank you most sincerely for your attendance here coming as you have at considerable inconvenience to yourself, I am sure. But you may also be assured that we appreciate your visit very much. We have profited immeasurably from your comments and from the answers which you have given to questions submitted to you and I am sure that your evidence will have a very decided effect on the report which is going from this committee to the Houses of Parliament. We thank you very much.

Hon. MEMBERS: Hear, hear.

The WITNESS: I wish to thank you again, Mr. Chairman, ladies and gentlemen for having invited me here, on behalf of our Governor Mr. Goodwin J. Knight and the members of the Department of Corrections. I consider it a real honour to have been asked to appear before you, and hope that the testimony given here will prove helpful to you in determining these very important matters.

The PRESIDING CHAIRMAN: We have a communication from Professor Sellin of Pennsylvania. This communication is on the manuscript which he is preparing on the subject of death penalty and police safety. That will be submitted shortly. The communication will be submitted to the subcommittee.

The meeting proceeded *in camera*.

APPENDIX "A"—CAPITAL PUNISHMENT

PART I

ALTERNATE METHODS OF LEGAL EXECUTIONS

It is with a great deal of pleasure, and a real honor, that I appear before your committee on Capital Punishment, Corporal Punishment, and Lotteries. I bring to all of you greetings from our Governor, Goodwin J. Knight, and from his staff who make up the Department of Corrections in California, and I wish to commend you for the serious way in which you are studying these very grave and important problems.

A great volume of testimony has been taken by your committee to date on capital and corporal punishment. My appearance is, primarily, to discuss alternative methods of legal executions and to also touch on the subject of corporal punishment. You have taken testimony from experts in the field of human behavior. Charts, graphs and statistics on homicides have been submitted, therefore I feel that it would be only a duplication of material if I were to submit similar data.

All of my life has been spent in "Prison Town", and all but a very few of my adult years have been in prison work. I will therefore comment on the practical experience I have had in handling adult offenders and my personal contact with those who have been condemned to death in California over the past 25 years.

Execution Information:—Legal executions were authorized under the Criminal Practices Act of 1851. On February 14, 1872, capital punishment was authorized in the Penal Code, the wording being substantially the same as that in the 1851 Statute. The 1872 Penal Code provided: "A Judgment of death must be executed within the walls or yard of a jail, or some convenient private place in the county. The Sheriff of the county must be present at the execution, and must invite the presence of a physician, the District Attorney of the county, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such ministers of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same."

Capital punishment on a County level continued until amendment by the Legislature in 1891, providing: "A judgment of death must be executed within the walls of one of the State prisons designated by the Court by which judgment is rendered." In this Statute, the Warden replaced the Sheriff as the person who must be present at the execution, and invitation to the Attorney General, rather than to the District Attorney was required.

Lethal gas, as replacement for hanging, was provided by the Legislature in 1937, with August 27, 1937 as the effective date. At that time, it was also provided that: "Nothing contained in this Act shall be construed to affect or relate to any person sentenced for a crime committed before the effective date of this Act."

There apparently is no official rule by which judges ordered men hanged at Folsom rather than San Quentin, or visa versa. However, until about the time of the institution of the gas chamber, it was customary to send recidivists to Folsom. It is known that, in one case of a first term, the man was hanged at Folsom, having been sent there because of the escape hazard.

The first execution at San Quentin was on March 3, 1893. The first execution by gas was on December 2, 1938. The last execution by hanging at San Quentin was May 1, 1942, the defendant having committed the murder in 1936. A total of 214 inmates was hanged and to date 130 have been executed by gas.

The first hanging at Folsom was December 13, 1895, and the last was December 3, 1937. A total of 92 inmates was executed, all by hanging, at Folsom.

In considering alternative methods, I have personally witnessed over 150 executions and have legally officiated at 90. Of the 90, one was by hanging and 89 by lethal gas. Prior to my appointment as Warden of San Quentin Prison I witnessed 60 legal hangings.

Hanging, whether the prisoner is dropped through a trap, after climbing the traditional 13 stairs, or whether he is jerked from the floor after having been strapped, black capped and noosed, is a very gruesome method of execution which has been used for many years, and is still used extensively. . . . When, on a nod from the Warden, the executioner signals the three men in the small enclosure on the gallows, and the officials cut the taught strings, one of these strings springs the trap while the other two are attached to dummy ropes. This gives the three officers a "somewhat" clear conscience, projecting the actual springing of the trap on the other person. The day before an execution the prisoner goes through a harrowing experience by being weighed, measured for length of drop to assure the breaking of the neck, the size of the neck, body measurements, etc. When the trap springs he dangles at the end of the rope. There are times when the neck has not been broken and the prisoner strangles to death. His eyes pop almost out of his head, his tongue swells and protrudes from his mouth, his neck may be broken, and the rope many times take large portions of skin and flesh from the side of the face that the noose is on. He defecates, and droppings fall to the floor while witnesses look on, and at almost all executions one or more faint or have to be helped out of the witness room. The prisoner remains dangling from the end of the rope for from 8 to 14 minutes before the doctor, who has climbed up on a small ladder and listens to his heart beat with a stethoscope, pronounces him dead. A prison guard stands at the feet of the hanged person and holds the body steady, because during the first few moments there is usually considerable struggling in an effort to breathe.

The legal witnesses are dismissed after having signed the usual witness forms. However, the body of the condemned is left hanging below the gallows for an additional 15 or 20 minutes. This is to assure those in charge that ample time has elapsed before cutting the rope in order to make certain of death.

The body is then placed in a prison-made casket and kept in the morgue until loved ones or friends claim the remains. Most bodies are claimed by relatives, loved ones or friends, and funeral services are conducted in many cases in chapels in their own home town.

Although I have seen several electric chairs, I have never witnessed an electrocution. Wardens and other noted penologists have told me that it is about as gruesome a procedure as hanging. The body has to be prepared beforehand for the fastening of the electric plates; the head is shaved partially for this procedure, and one of the pants legs split in order that an electric plate can be placed against the leg. When the executioner throws the switch that sends the electric current through the body, the prisoner cringes from torture, his flesh swells and his skin stretches to a point of breaking. He defecates, his tongue swells, and his eyes pop out. In some cases I have been told the eye balls rest on the cheeks of the condemned. His flesh is burnt and smells of cooked meat. When the autopsy is performed the liver is so hot that doctors have said that it cannot be touched by the human hand. As in hanging, electrocution disfigures the body severely.

Prison morale is disrupted by the dimming of the lights throughout the institution when the switch is thrown the several times necessary to insure death.

In facing a firing squad several rifle shots are fired, and all but one are effective. As in the case of hanging and electrocution, shooting disfigures the body severely.

In administering death by lethal gas, from 89 personal experiences I made the following observations:

With the exception of the death watch (which is used in all methods) there are no last hours of preparation of the body of the condemned. The prisoner is kept in a holding cell in a separate room for his last few hours—usually not more than 20 feet from the lethal gas chamber. He does not see the gas chamber until he enters it. A few moments before the scheduled hour a chaplain of his choice visits with him. He is dressed in blue jeans and a white shirt. He is accompanied the 10 or 12 steps by two officers, quickly strapped in the metal chair, the stethoscope applied, and the door sealed. The Warden gives the executioner the signal and, out of sight of the witnesses, the executioner presses the lever that allows the cyanide eggs to mix with the sulphuric acid. In a matter of seconds the prisoner is unconscious. It is as though he has gone to sleep. The body is not disfigured or mutilated in any way.

Lethal gas executions are more humane. In all methods the person is, of course, dead. However, in lethal gas the last preparations are not so grim. Lethal gas executions are not as nerve racking on the personnel as is other methods, and the family of the condemned prisoner, his loved ones and the friends who claim the body do not go through as much of a harrowing experience when they claim a body that has not been mutilated. I have talked with hundreds of these folk and, although they are grief stricken, it is not quite so hard on them emotionally.

I favor the lethal gas method of execution because it is much more humane.

Attached is a copy of procedure used at San Quentin. A report of our Chief Medical Officer and the Doctor's Official Lethal Gas Execution Record. I am also enclosing a set of photographs of the lethal gas chamber at San Quentin Prison.

I wish to make one other suggestion, should the lethal gas method be adopted in Canada; I recommend that the gas chamber be installed in a room not in the vicinity of the regular traffic of the institution, and that the gas chamber itself be recessed behind walls so that the witnesses will be in, and see, only the witness area.

Any questions you may wish to ask me relative to alternative methods I will do my best to answer.

I hope I have been of some assistance and I want to again thank you for including me in your deliberations.

PART II

SAN QUENTIN STATE PRISON LETHAL GAS CHAMBER

Cost of Chamber

Cost of chemical used.

Salaries paid to participating personnel.

Information and recommendations on maintenance and operation of lethal gas chamber.

STATE OF CALIFORNIA

INTER-DEPARTMENTAL COMMUNICATION

So: Warden

14 May, 1953

Subject: Report on Lethal Gas Chamber.

As per your request, the following data relative to the Lethal Gas Chamber is respectfully submitted, setting forth the following procedures in the order listed:

1—Cost of Chamber

2—Cost of chemicals used

3—Salaries paid to participating personnel

4—Information and recommendations on maintenance and operation of Lethal Gas Chamber.

1: *Cost of Chamber:*

The Lethal Gas Chamber now in use at this Institution was purchased from the Eaton Metal Products Company, Denver, Colorado, in 1938. Below are the costs of same:

| | |
|---|--------------------|
| Lethal Gas Chamber | \$ 5,016.68 |
| Supplemental expenditures necessary to proper maintenance and operation: | |
| Iron Work (Railing, etc.) | 1,886.76 |
| Copper Exhaust Chimney* | 832.24 |
| Materials | 3,414.39 |
| Supervision | 1,922.24 |
| Engineering & Architecture | 1,863.09 |
| Miscellaneous tests and blueprints | 64.60 |
| Total | <hr/> \$ 15,000.00 |

*This copper exhaust Chimney's expense was due to the fact that our chamber is so located, adjacent to the North Block, that it was necessary to clear the top of the block when exhausting fumes from the Chamber.

The chamber was installed by the State Department of Public Works of California.

2: *Cost of Chemicals Used, Per Execution:*

The chemicals used in legal executions at this Institution are obtained from Braun Knecht-Heiman Company, 1400 16th Street, San Francisco, California. They are:

| Chemical | Amount Used | Unit Cost | Total Cost |
|-----------------|-------------|----------------|------------|
| Sodium cyanide | 2 lbs | \$0.90 per lb. | \$ 1.80 |
| Sulphuric acid | 18½ lbs. | .18 per lb. | 3.29 |
| Ammonia | 3 gal. | 1.00 per gal. | 3.00 |
| Distilled Water | 2 gal. | .18 per gal. | .36 |
| Total | | | 8.45 |

The foregoing are the current prices which are subject to fluctuation.

3: *Salaries Paid to Participating Personnel, Per Execution:*

| | |
|---|----------|
| Officer in Charge | \$ 75.00 |
| Executioner (Chamber Operator) | 60.00 |
| Assistant Executioner (Chemical Operator) | 30.00 |
| Religious Advisor | 30.00 |
| Death Watch Officers (2) \$30.00 each | 60.00 |
| Total | \$255.00 |

4: *Chamber Operation:*

The following is a suggested chart for "Record of Legal Execution".

SAN QUENTIN STATE PRISON LETHAL GAS CHAMBER

RECORD OF EXECUTION

Prisoner: Date:

| Operation | Time |
|---------------------------------|------|
| Prisoner entered chamber | |
| Chamber door locked | |
| Gas strikes prisoner's face | |
| Prisoner apparently unconscious | |
| Prisoner certainly unconscious | |
| Movements of prisoner's body | |
| Last visible movement | |
| Heart stopped | |
| Respiration stopped | |
| Prisoner pronounced dead | |

SAN QUENTIN STATE PRISON

LETHAL GAS CHAMBER

OPERATION

Steps to be taken during actual operation after preliminary preparations are completed:

1. Attach bag of sodium cyanide to immersion device (chamber operator).
 2. Mix acid and water in mixing bowls (both operators).
 3. Strap prisoner in chair (chamber operator, officer in charge, and one death watch officer).
 4. Close and seal chamber door (chamber operator, officer in charge, and one death watch officer).
 5. Test air tightness of chamber by use of lever E and manometer H. (Chamber operator).
 6. Release acid to chamber receptacles (chemical operator).
 7. Close supply valves A2 and B2 (chemical operator).
 8. Fill mixing bowls with water (chemical operator).
 9. Immerse sodium cyanide into acid (chamber operator). Note: Chamber now in operation. Recommend not less than 30 minutes.
 10. Warden gives order to clear witness room upon doctor's notification that prisoner has expired.
 11. Open exhaust valve by lever E (chamber operator).
 12. Open receptacle drain valves A5 and B5 (chamber operator).
 13. Open supply valves A2 and B2 (chemical operator).
 14. Open ammonia valves A3 and B3 (chemical operator).
 15. Open water faucets A4 and B4 (chemical operator).
 16. Open air intake manifold valve F, only after exhaust valve has been open for 30 minutes and allow to operate at least 15 minutes before chamber door is opened. (Chamber operator).
 17. Open ammonia valve I (chamber operator). Chamber is now being cleared of gas. It is recommended that this period be about 45 minutes.
 18. Open chamber door gradually (at first about 2 inches). Body removal.
 19. Clean chamber and appurtences and leave in condition for next execution.
- 5: *Information and Recommendations on Maintenance and Operation of Lethal Gas Equipment:*
- Equipment, Materials and Chemicals:*

The equipment, materials and chemicals required are as follows:

- | | |
|---|--|
| 1. Sodium Cyanide: | This item should be purchased in small quantities, in 1 lb. cans containing 1-oz. eggs, to eliminate deterioration or chance of mis-use. |
| 2. Chemically Pure Sulphuric Acid, 98% Approximate: | This chemical can be purchased in 9-lb. bottle containers, in cases of ten (10) 9-lb. bottles. |

- | | |
|---|---|
| 3. Commercial Ammonia (Ammonia Aqua) 26° BE. 29.4%: | This item can be purchased in 6½ gallon carboy containers. |
| 4. Graduate, Pyrex 32 oz. Cap. 1 Qut.: | Listed in B.K. & H. Co. Catalogue No. 33031. |
| 5. Glass Funnel 8½" Diameter: | Listed in B.K. & H. Co. Catalogue No. 30230. |
| 6. Rubber Gloves: | Listed in B.K. & H. Co. Catalogue No. 32925. |
| 7. Face Shield, Plastic: | For both operators for protection while mixing sulphuric acid. |
| 8. Gas Masks and Auxiliary Equipment: | Two catalogue C. M. Bullard canister masks with two catalogue No. CM-7 canisters for hydrocyanic acid and one catalogue CM canister for ammonia. |
| 9. Cheese Cloth: | Several yards of cheese cloth should be on hand to make bags to hold the sodium cyanide eggs. |
| 10. Chains and Snaps: | Assembled to the proper length for suspension of sodium cyanide egg bags. |
| 11. Distilled Water: | At least two (2) gallons. |
| 12. Miscellaneous Items: | Which should be stored in the chemical room for use, are: A. Pair of scissors. B. Pair of pliers. C. Ball of twine. D. Electric fuses, spare. E. Electric light globes, spare. F. Hand soap. G. Hand towels. H. Mop. I. Mop up towels. |

SUGGESTED PERSONNEL FOR OPERATION:

Chemical Operator: Should handle the water, acid and cyanide. This operator's duties will be generally confined to the chemical operation room. The duties of this operator are defined in detail hereinafter.

Chamber Operator: Should check and operate levers and valves involving the immediate operation of the chamber, and his station will be adjacent to the control levers of the chamber. This operator should be in charge under the direction of the Warden or his authorized representative, and certain actions of the first mentioned operator shall be taken on appropriate instruction or signal from this operator. The duties of this operator are defined in detail hereinafter.

There will, of course, be present the necessary Prison Officials, including the Warden, Physicians, Chaplain and Death Watch Officers, and others who may be necessary to satisfy the Institution's requirements.

RULES FOR OPERATION OF CHAMBER:

Preliminary Preparation:

1. Inspect thoroughly and test the chamber and all piping above and below floor.
2. Assign operatives to duties and rehearse so that each is absolutely familiar with his duties.
3. Measure the distilled water and acid required for the execution and place in separate containers ready for actual use. Do not mix acid and water at this time. Use rubber gloves in handling acid.
4. Place sodium cyanide in cheese cloth sacks, properly tied and ready to attach to immersion device. Keep secure in a convenient place to eliminate danger until needed. Use rubber gloves when handling. Keep away from acid.
5. Fill ammonia containers for air flushing and water flushing systems.
6. Turn on all necessary lights in chamber and rooms to be used in connection with execution.
7. Turn on ventilation fans for witness area.
8. Turn on chamber exhaust fan.
9. See that chamber exhaust valve E is closed.
10. See that chamber fresh air inlet valve F is closed.
11. See that all ammonia valves I, A3 and B3 are closed.
12. See that both receptacles drain valves A5 and B5 are closed.
13. See that both acid supply valves A2 and B2 are closed.
14. See that sodium cyanide immersion lever G is locked in position so that sodium cyanide sacks will hang free of receptacles.
15. See that chamber door is open.
16. See that chairs are ready and strapping arrangements are in proper condition to receive prisoners.

NOTE: Valves and levers designated by letter and/or number may be located on Operation Chart in Chemical Room.

Chemicals, Mixing, Proportions, Etc.:

1. Acid and distilled water should be mixed in the proportion of one (1) pint of 98 per cent sulphuric acid to three (3) pints of distilled water. This will give an added concentration by weight of approximately 41.5 per cent.

It requires approximately $6\frac{1}{2}$ quarts of mixture to fill each chamber receptacle and the trap beneath the mixing bowl holds approximately 40 ounces of liquid. This trap holds water from previous flush; therefore for each chair there will be required to be measured out for mixing in mixing bowl, the following:

Distilled water: 4 quarts, 1 pint, 8 ounces (equals 152 oz.)

98 per cent sulphuric acid: 2 quarts, 1 pint, 10 oz. (equals 80 oz.)

In terms of weight the total mix in mixing bowl and trap combined will then be:

| | lbs. |
|-------------------------------------|------|
| Water in trap, 40 oz. | 2.5 |
| Measured water to mixing bowl | 9.5 |
| Measured acid to mixing bowl | 9.2 |

21.2

Concentration: 9.2 equals 41.5%

Prior to the actual execution the water and acid should be measured out and held in separate containers ready to mix together in the acid mixing hopper. The actual mixing to be done 10 minutes prior to the time it must be released to the chamber acid receptacle.

2. Sodium cyanide: For each execution shall consist of 1 lb. in an appropriate cheese cloth bag to be immersed in the receptacle under each of the two chairs.

Steps to be Taken During Actual Operation:

The chair nearest the chemical room or to the right as the chamber is entered through the door, is designated for the purpose of this program as chair A. The other chair is designated as chair B.

All preliminary preparations having been completed, the following procedure shall be followed:

- 1: The Chamber Operator will enter the chamber with sodium cyanide which has been already prepared and attach same to the immersing device.
- 2: Approximately 10 minutes before the scheduled execution, the chemical operator shall place his already prepared measured water and acid in the mixing bowls A1 and B1 (THE WATER MUST BE POURED FIRST, THE ACID NEXT). Use glass funnel to prevent splattering and pour quite slowly. (USE RUBBER GLOVES) This mixture should remain in the mixing bowl approximately 10 minutes so as to attain an intimate mix and that maximum temperature occasioned by the mixing shall be attained. The mixture MUST NOT be allowed to pass the chair receptacle until the prisoner is strapped in the chair, the chamber door is closed, and instructions received from the CHAMBER OPERATOR.
- 3: The Chamber Operator will assist Officers as required in placing and strapping prisoner in the chair.
- 4: The Chamber Operator shall assist the Officer in Charge and one of the Death Watch Officers in closing the chamber door and seeing that it is properly sealed.
- 5: The Chamber Operator shall take position at immersing lever G and immediately shall open the overhead exhaust valve by operating Lever E, noting vacuum by observation of manometer H, and immediately closing valve. This operation is only momentary as a test to determine air tightness of chamber. Chamber will be tight if manometer indicates the vacuum held after exhaust valve is closed.
- 6: The Chemical Operator, on instructions from the Chamber Operator, shall release the acid and water from the mixing bowls into the chamber receptacles by opening the acid supply valves A2 and B2, and shall watch the disappearance of the liquid in the mixing bowls.
- 7: When acid is all gone from the mixing bowls, the supply valves A2 and B2 must be closed by the Chemical Operator.
- 8: The Chemical Operator shall then open water faucets A4 and B4, filling mixing bowls A1 and B1 respectively with water, then close faucets A4 and B4.
- 9: The Chemical Operator shall then report to the Chamber Operator that "Everything is ready".
- 10: The Chamber Operator shall remove the locking pin in the sodium cyanide immersion lever G and operate the lever, thus immersing the bag of sodium cyanide into the acid in the chamber receptacles.
- 11: The chamber is now in operation. During this period the Prison authorities and the Physicians will observe and record as necessary. The Physicians will advise the Warden when the prisoner has expired.
- 12: The Chamber Operator shall open the overhead exhaust valve by use of lever E only after a lapse of approximately 30 minutes.

- 13: The Chamber Operator opens receptacle drain valves A5 and B5, and when they are open, advises the Chemical Operator to start flushing operation.
- 14: The Chemical Operator opens supply valves A2 and B2.
- 15: The Chemical Operator opens ammonia valves A3 and B3. These valves should not be opened fully but cracked sufficiently to allow ammonia to enter flushing stream gradually.
- 16: Chemical Operator opens water faucets A4 and B4.

Note: Operations 14, 15 and 16 are performed by the Chemical Operator in their order and he shall note the disappearance of water from the mixing bowls to see that the flush is proceeding properly and, in the meantime, the Chamber Operator shall see that the flush is carrying through the chamber receptacles and drains without flooding the chamber. The Chemical Operator shall adjust the flow of water to the mixing bowls from the faucets accordingly.

- 17: Chamber Operator opens air manifold intake valve F.
- 18: Chamber Operator partly opens ammonia valve I, allowing ammonia to flow to the screen in the air intake manifold in as great a flow as possible without flooding the bottom of the manifold. (The Operator can see the screen through the air valve opening and shall adjust the ammonia valve to obtain proper conditions.)
- 19: After the chamber is completely exhausted and purged with ammonia fumes, the chamber door may be opened. Thereafter the prisoner will be removed.

Note: Although smoke tests have indicated that the chamber is exhausted in approximately 3 to 5 minutes, it is recommended that the period between the act of opening of exhaust and air inlet valves, and act of opening chamber door be about 45 minutes. As a precautionary measure, it is recommended that those removing the body wear hydrocyanic acid gas masks.

- 20: After the body has been removed, the chamber should be cleaned. Between uses the chamber door, air intake manifold valve, and the exhaust valve should all be left open to prevent continued pressure against the rubber gaskets. It is recommended that no inmates be allowed to work around the chamber and its equipment.

It is further suggested that at periods the operators give the chamber a smoke test to check the effectiveness of the exhaust system. Apparently burning dry eucalyptus leaves gives a good smoke for such a test.

The foregoing is the current schedule of procedures, operation and materials used.

In closing, the writer respectfully recommends the following:

That the entire Unit be given a complete inspection and test every five (5) years.

That new gaskets be installed on the door, air intake manifold, and exhaust valve every ten (10) years.

Respectfully submitted,

CLD:rm

CAPTAIN C. L. DOOSE.

cc: Associate Warden-Custody

PART III

STATE OF CALIFORNIA

INTER-DEPARTMENTAL COMMUNICATION

21 February 55

To: Warden H. O. Teets

From: California State Prison at San Quentin (Hosp. Adm. Office)

Subject: Legal Executions

Your request of February 17, 1955.

Men undergoing legal executions are pronounced dead only after the last visible movement of body and cessation of pulse and respiration. This averages about ten minutes.

The prisoner is rendered apparently unconscious one-half minute after gas strikes his face. He is certainly unconscious sixty seconds later. The official pronouncement of death is then delayed until all physiological movements have ceased; these movements being an occasional gasp and a progressive failing pulse engendered by body metabolism without consciousness.

Invariably the prisoner resents the first few inhalations,—he grimaces and breathes violently. He lapses into unconsciousness a few seconds later and the operation proceeds as if he was receiving a general anaesthetic.

Cyanide should produce a rapid, painless death. The first few inhalations that appear so irritating is chargeable to the sulphuric acid employed as a vehicle to release the cyanide gas. It would seem that a less irritating procedure could be developed by using pure hydrocyanic gas released from a pressure container. This, however, would be hazardous in case of breakage of container accidentally or by malicious act.

Copies of our execution record are attached indicating the above points.

M. D. WILLICUTTS, M.D.,
Chief Medical Officer.

MDW/DAW:rfg

cc: Hosp. Adm.

JOINT COMMITTEE

CALIFORNIA DEPARTMENT OF CORRECTIONS
SAN QUENTIN PRISON
LETHAL GAS CHAMBER—EXECUTION RECORD

No..... Name..... Age.....
Date received..... Date executed.....
Doctors.....

| Operation | Time | Rate | | Remarks |
|-------------------------------------|-------|-------|---------|---|
| | | Pulse | Resp. | |
| Water and Acid Mixed..... | | | | Says goodbye with smile. |
| Prisoner Entered Chamber..... | 10:00 | 120 | | Shakes hands and walks calmly into Chamber. |
| Chamber Door Locked..... | 10:03 | 160 | | |
| Sodium Cyanide Enters..... | 10:04 | 180 | | Grimaces and breathes violently. |
| Gas Strikes Prisoner's Face..... | 10:04 | 160 | | |
| Prisoner Apparently Unconscious.... | 10:05 | 124 | | Head falls forward. Feet and hands extended. |
| Prisoner Certainly Unconscious..... | | | | Head extended, mouth widely open, hands and feet relaxed. |
| Special Comments..... | 10:06 | 90 | 3 gasps | Grimaces. |
| | 10:07 | 78 | 3 gasps | One loud gasp. |
| | 10:08 | 68 | 3 gasps | |
| | 10:09 | 60 | 0 | No visible breathing. |
| | 10:10 | 38 | 0 | No visible breathing. |
| | 10:11 | 12 | 0 | No visible breathing. |
| | 10:12 | 15 | 0 | No visible breathing. |
| | 10:13 | 6 | 0 | No visible breathing. |
| | 10:14 | 0 | 0 | No visible breathing. |
| Last Visible Movement..... | 10:09 | | | |
| Heart Stopped..... | 10:12 | | | |
| Respiration Stopped..... | 10:09 | | | |
| Prisoner Pronounced Dead..... | 10:14 | | | |

Disposition of Remains:

M. D. WILLCUTTS, M.D.
Chief Medical Officer.

CALIFORNIA DEPARTMENT OF CORRECTIONS

SAN QUENTIN PRISON

LETHAL GAS CHAMBER—EXECUTION RECORD

No..... Name..... Age.....

Date received..... Date executed.....

Doctors.....

| Operation | Time | Rate | | Remarks |
|--------------------------------------|--------|-------|---------|--|
| | | Pulse | Resp. | |
| Water and Acid Mixed..... | | | | Very stoical and resigned. Reviews his case rationally but with marked hatred against Judge Scott. |
| Prisoner Entered Chamber..... | 10:00 | 130 | | |
| Chamber Door Locked..... | 10:03 | 120 | | One of his last statements was that his biggest regret is that Judge Scott will not be sitting on his lap in the chamber. He shakes hands with thanks for his care and treatment. He wants his credit cards,—about \$7.00, given to the Protestant and Catholic Chaplains. He walks calmly to the Chamber. |
| Sodium Cyanide Enters..... | 10:04 | 90 | | |
| Gas Strikes Prisoner's Face..... | 10:04½ | 80 | | |
| Prisoner Apparently Unconscious..... | 10:05 | 72 | | |
| Prisoner Certainly Unconscious..... | 10:06 | 60 | | |
| Special Comments..... | 10:05 | 72 | 3 gasps | 10:04½ Grimaces and breathes violently. |
| | 10:06 | 60 | 5 gasps | 10:06 Head falls forward, relaxed. |
| | 10:07 | 54 | 3 gasps | |
| | 10:08 | 48 | 2 gasps | |
| | 10:09 | 60 | 1 gasp | |
| | 10:10 | 72 | 0 | |
| | 10:11 | 36 | 0 | |
| | 10:12 | 20 | 0 | |
| | 10:13 | 5 | 0 | |
| Last Visible Movement..... | 10:10 | | | |
| Heart Stopped..... | 10:14 | 0 | | |
| Respiration Stopped..... | | | | |
| Prisoner Pronounced Dead..... | 10:14 | | | |

Disposition of Remains:

M. D. WILLCUTTS, M.D.
Chief Medical Officer

PART IV

VIEWS ON CAPITAL PUNISHMENT

Throughout all of my over 25 years of prison work, as a youngster growing up in a prison town, as a young man living within a few yards of the shadows of the prison walls, I have always been against capital punishment. Prisoners have always been a part of my life. Murderers have worked in our home. As children, criminals of all types have been assigned to our gardens, repair and maintenance of buildings and have attended to the needs around the grade school which I attended.

From 1929 to date I have worked in several of the administrative departments of the prison and from 1940 to 1952 I served as warden of San Quentin Prison. For the past three years my work has been with the California Adult Authority, hearing as many as one thousand personal appearance cases a year.

It has been a part of my work to interview, over these 25 years, several thousands of prisoners, their families and friends. I have studied their individual cases.

From 1929 to 1952 I talked with every man that was committed to San Quentin Prison under the penalty of death. Many of these men have been executed, others commuted to life imprisonment, some without possibility of parole. A few have had new trials or reversals. Some have died while serving their sentence within the prison walls.

I have personally asked every man (and two women) if they gave any thought to the fact that they might be executed should they commit a murder or a crime that is covered by the death penalty. I have asked hundreds—yes, thousands of prisoners, who have committed homicides, and who were not sentenced to death, whether or not they thought of the death penalty before the commission of their act.

I have interviewed and have asked the same question of thousands of robbers who have used a gun or other deadly weapon in the commission of their "stick-up" . . . They are, of course, potential murderers.

I have, to date, not had one person say that they had ever thought of the death penalty prior to the commission of their crime.

I do not favor capital punishment because I do not believe it is a deterrent to crime. You have statistics that show that where capital punishment is used, and in other areas where it has been abolished, there is no noticeable difference one way or the other in the number of homicides committed in like areas.

California, during the last 25 years (1930 to 1954) has averaged nine executions per year. California's prison population has increased from 7,182 in 1930 to 14,801 in 1954. Homicides sent to California prisons in 1944 were 66; in 1954, 91. In 1930 there were 15 executions; in 1954, 9.

In 1953 there were 62 prisoners executed in the United States. Comparing 1953 with 1941, there were 7,000 cases of Murder and non-negligent Manslaughter while in 1941 there were 6,990 similar crimes, with 119 executions.

Attached are interesting California prison population and execution data from 1930 to 1954.

Another reason why I do not believe in capital punishment is, "There is no equality in conviction and sentencing". Of the 108 convictions for Murder in 1953, only 92 were sent to prison, 14 sentenced to death and 8 executed the same year in California.

I have often said, and I repeat here—using California as an example, that I can take you into San Quentin Prison or to Folsom Prison and I can pick out, as a conservative estimate, 20 prisoners in each institution serving life sentences or less, to one on condemned row who are waiting execution, and

can prove that their crimes were just as atrocious, and sometimes much more so, than most of those men on the row. The verdict of death by lethal execution is, I believe, an emotional release by those who are hearing the case. Seldom is a person of means executed. If he has a competent attorney who develops the case and who can play upon the emotions of the jury, he usually receives a lesser degree.

There is always an element of the chance of error. It is true that the automatic appeal used in some states is a means of finding any errors. However, if an innocent person is put to death and in later years the real murderer comes to light, it is too late to do anything about it.

People who come to our prisons are, in most cases, emotionally, morally or mentally disturbed. I have known cases where men, who have had to be executed when all they were able to answer were the legal answers to questions; know the difference between right and wrong, the seriousness and quality of their act, and the penalty they were facing. They would otherwise be so mentally gone that their case was pitiful. Some would have to be lead to the gallows or the gas chamber; others dragged, while screaming from mental fear. Our prison systems are set up on the concept that they must protect society and must work toward the rehabilitation of the offender. I believe that most prisoners, except for mental cases, can be changed for the better. A few will have to be kept under close confinement for the rest of their natural lives. Some who have been sentenced to death would fall into this category.

HOMICIDE DATA—MAY 5, 1955

| Year | Executions | Prison Population |
|------------|------------|----------------------|
| 1930 | 15 | 7,182 |
| 1931 | 9 | 7,512 |
| 1932 | 6 | 8,010 |
| 1933 | 10 | 8,836 |
| 1934 | 11 | 9,318 |
| 1935 | 17 | 8,913 |
| 1936 | 17 | 8,432 |
| 1937 | 8 | 8,081 |
| 1938 | 11 | 8,475 |
| 1939 | 4 | 8,784 |
| 1940 | 6 | 8,706 |
| 1941 | 10 | 7,874 |
| 1942 | 9 | 6,566 |
| 1943 | 3 | 5,960 |
| 1944 | 7 | 5,693 |
| 1945 | 12 | 6,170 |
| 1946 | 7 | 7,395 |
| 1947 | 7 | 8,629 |
| 1948 | 8 | 9,624 |
| 1949 | 11 | 10,595 |
| 1950 | 7 | 11,497 |
| 1951 | 6 | 11,715 |
| 1952 | 9 | 12,772 |
| 1953 | 8 | 13,792 |
| 1954 | 9 | 14,801 |

| *Year | Murders Estimated by Police | Defendants Convicted of Murder Superior Court |
|------------|--------------------------------|---|
| 1952 | 279 | 89 |
| 1953 | 276 | 108 |
| 1954 | 300 | 101 |

*Police reports are obviously deficient. Coroners reported approximately 400 unjustifiable homicides in both 1953 and 1954.

MURDER DEFENDANTS

| Year | Sentenced to Prison | Sentenced to death | Executed |
|------------|------------------------|-----------------------|----------|
| 1944 | 66 | 19 | 7 |
| 1945 | 73 | 8 | 12 |
| 1946 | 91 | 11 | 6 |
| 1947 | 105 | 12 | 7 |
| 1948 | 92 | 9 | 8 |
| 1949 | 77 | 6 | 11 |
| 1950 | 93 | 16 | 7 |
| 1951 | 90 | 7 | 6 |
| 1952 | 74 | 11 | 9 |
| 1953 | 92 | 14 | 8 |
| 1954 | 91 | 8 | 9 |

APPENDIX B—CORPORAL PUNISHMENT

PART I

COMMENTS ON CORPORAL PUNISHMENT

“Confinement in itself is punishment.”

From the moment a prisoner enters the prison gates, until he is eventually released or dies while in prison, every effort should be made toward making him a better person. I have said this many years, and as our prison training and treatment programs improve and as the staff of the institutions are increased to give individual and group treatment and counseling, we find this to be more and more effective.

Most people commit crimes when they are emotionally, mentally or morally disturbed. These factors have to be changed. Their causes are many—such as broken homes, environment, lack of love, understanding and discipline during their formative years, as well as other individual reasons. These cannot be changed by brutality—by corporal punishment.

I have experienced in my years of prison work periods of corporal punishment; from the use of the straight jacket, the lash, the strap, the water hose, dungeon, standing on the spot, depriving prisoners of clothes, diet of bread and water, and others. People, like animals, fight back—either physically and/or mentally—when they are brutally attacked. In abolishing corporal punishment in San Quentin in 1940, and in setting up an academic and vocational training program, along with additional religious contacts and a staff to work on emotional disorders, has improved morale within our institutions and incidents have decreased to a bare minimum, with a desire by most of the men to find out why they get into trouble and to do something about it while in prison—to improve their education, their conduct, and their work habits.

When a prisoner is received at the Receiving Institution he should go through a period of quarantine. He can be placed in a unit called the “Recep-

tion Guidance Center", or any other appropriate title assigned to the routine procedure. Every effort should be made to find out as much about him as is possible.

I submit, herewith, an outline for the processing of new prisoners in a receiving and quarantine unit:

1. When the new inmate is received at the Receiving Room he immediately surrenders all of his personal property and is given a receipt for same. He is then given a shower and issued a set of intake clothing. He is asked what disposition he desires made of the clothing he was wearing upon his admittance; if he has no particular desire in this matter, and the clothing is not repairable, it is disposed of. If he desires the clothing sent home, it is packaged up and sent to the address indicated by him. After going through this reception procedure, the new prisoner is taken by Runner to the Identification Department where he is photographed and his fingerprints taken. When he is through in this department he is taken to the West Block and given a cell assignment.

2. Within the first 24 hours after being received in the Reception Guidance Center, all new prisoners are given complete physical examinations, and within a 48-hour period they are given dental examinations.

3. One day each week all men received during the preceding week meet in a group with one of the Senior Sociologists who has been designated as Intake Supervisor. This sociologist gives an orientation lecture, explaining to the men what will happen during the next two months in the reception process. At that time the men are given a Wide Range Vocabulary Test, fill out their Mail and Visiting Applications, and fill out a Social History Questionnaire. On this latter form the men, in addition to listing the references they wish us to contact, must also list prior institutions and/or hospitals, indicate whether or not they have ever been on probation or parole and whether or not they have, or anticipate having any holds placed on them.

4. On the first Saturday after reception, this same intake group meets with the Custodial Sergeant and he instructs them in proper decorum to be maintained while assigned to the Reception-Guidance Center and explains about interview passes and the fact that if a man is called he must answer the same. He also instructs them as to what privileges they may have and the use of privilege and/or identification cards.

5. The following Monday morning, each new prisoner has an individual interview with the Sociologist to whom his case is assigned. The Sociologist reviews with the prisoner the Social History Questionnaire and the Mail and Visiting Questionnaire, and determines to whom the appropriate questionnaires should be sent. He may also give tentative immediate approval for correspondence and visits with certain members of the immediate family. The Sociologist may also discuss any pertinent personal problems at that time and may make appropriate referral should the man's family be in need of assistance from a public welfare agency.

6. The afternoon of this same Monday (again on a group basis) the men begin their testing program. This continues through Tuesday and Wednesday.

7. At the end of this week the men are assigned to a Social Living Group, which commences the following Monday. The men meet in groups of approximately 20 to 25, and meet for one and one-half hours a day for four weeks. The Social Living Instructor conducts these groups in a permissive atmosphere and encourages a great deal of group participation. The purpose of these groups is as follows:

- (a) General orientation to all of the institutions of the Department—type of training and educational opportunities available; work opportunities; custody and classification requirements, etc.
- (b) An understanding of human behavior—"Why any of us do what we do". It is hoped that through these discussions the individual man will do some thinking about himself and begin to get some understanding as to why he got into the particular difficulty which brought him to prison.

8. By the end of this 4-week period, the men have been here approximately 6 weeks. By this time the legal documents have been received from the Court, the District Attorney and the Probation Officer; the reference questionnaires sent to the family, friends, employers, schools and other institutions have been returned. The men are then called in for individual interviews with the Reception-Guidance Center clinicians. Generally, he is next seen by a Sociologist. The Sociologist will have evaluated all of the material in the file and will interview the inmate. The Sociologist then writes a social evaluation, which should contain the significant social facts and an evaluation of life experiences and pertinent social relationships. This presentation should give the reader an interpretation and understanding of the dynamic forces which caused the individual to commit the criminal act. Generally it will include: Current impression; response to early family environment; parents' personality; school; sex; marriage; work; military services; other institutions, etc. It should also include his reaction to pressure, how he responds to authority, etc. There should also be some discussion of the conditions immediately surrounding the commission of the offense; his present attitude toward the offense and his commitment, and his relationship to crime partners, if any. The Sociologist then makes recommendations as to transfer and custody.

9. About this same time the man will be interviewed by a Vocational Counselor, who then will prepare a Vocational Evaluation which will include a summary of work experience, level of skills and an evaluation of performance or achievement related to the individual's capacity. He interprets the vocational aptitude, interests and educational achievement tests. Then the Vocational Counselor makes recommendations for educational, vocational training and work assignment.

10. A Psychologist should conduct his interview after the two above, so that he has the benefit of their reports. After the interview, and additional tests, if indicated, he prepares a psychological evaluation which should include a statement of intellectual functioning; comparison of present efficiency with native capacity; and an analysis of significant intellectual impairment or deterioration. His evaluation ordinarily will include a description of the personality, including a statement of how the person operates emotionally, how he interacts with other people, especially with those in positions of authority. If not covered in the social evaluation, this report will also include a statement regarding sexual development or problems and an explanation of familial, marital or other personal difficulties. He should indicate treatment possibilities, including motivation for change and will make recommendations for transfer, custody and psychiatric evaluation and treatment, if indicated. All of the three clinicians may make suggestions for institutional handling.

11. The Custodial Staff also submits an evaluation, which includes a statement of the individual's conduct in the Guidance Center; indication of his attitudes and relationship with other people; the general

type of person with whom he associates; personal habits and his response to counselling and/or reprimands.

12. Depending on the nature of the case, some of the men are referred to a Psychiatrist, who prepares an evaluation of the mental and emotional status and makeup of the individual. In making reference to mental or emotional abnormalities, the causes and developments of such abnormalities should be traced. The significance and meaning of such behavior to the individual should also be set forth.

After all of these evaluations are typed, the case is "staffed" by those who participated in the work-up. From this "staffing" are evolved the Reception-Guidance Center recommendations.

14. The complete summary of the case, as well as the recommendations, are then reviewed by members of the Departmental Classification Staff. If the Departmental Classification Staff Member agrees with the Guidance Center recommendations, the man is transferred and the institution classification committee then attempts to carry out the Guidance Center recommendations.

15. If the Departmental Classification Staff Member disagrees with the Guidance Center recommendations, a modification of the recommendations may be made after discussion with the Guidance Center head and/or other staff members. If an agreement cannot be reached, provision is made for referral of the case to the Director's Departmental Review Board.

Attached is a complete Case Summary, which includes the items set forth by the Guidance Center staff, as well as a history of his crime and past criminal life.

From this very valuable information and work-up, the prison staff can scientifically work with the prisoner toward his rehabilitation. With this type of procedure, with trained personnel throughout, corporal punishment is not necessary. In fact, it is a hindrance to an advanced prison program.

For the past eight years California parole successes have increased two percent a year, with two-thirds of our parolees making good—and, of the one-third two return, only half of them are with new commitments.

This type of system pays off in the saving of many thousands of heretofore budgeted dollars, as well as—and what is more important—the salvaging of human beings.

PART II

CUMULATIVE CASE SUMMARY OF A REPRESENTATIVE INMATE

In this Representative Case all identifying information has been changed.

CUMULATIVE CASE SUMMARY

STATE OF CALIFORNIA

Department of Corrections

| | | | |
|------------------|-----------------|----------------|-------------|
| Commitment Name: | Johnson, Lloyd | Birthplace: | Nebraska |
| True Name: | Same | Citizenship: | U.S. |
| Age: (1952) | 31 (B1/14/21) | Race: | White |
| Received: | 8-22-52 | Offense: | Forg. |
| County: | "A" | Sect. & Code: | 470 PC |
| Case No: | 15152 | Sentence: | 1-14 Years |
| Judge: | S. P. Walter | Min. Term: | 1 Year |
| Dist. Atty: | Clark Salisbury | Min. Elig. PD: | 1 cal. Year |
| Def. Atty: | None | Prison Status: | 1st Termer |
| Plea: | Guilty | Prior Felony: | 0: None P&P |
| Partner: | None | Weapon: | None |

OFFENSE

Facts:

1203.01 Statement of D.D.A.: "...the defendant received this check on July 9, 1952 from his employer for work done in the amount of \$16.49 and altered the check to read \$116.49. He uttered the check to Safeway Store in B— and shortly thereafter was arrested in S—."

Additional Information:

1203.01 Statement of D.D.A.: "...On May 18, 1952 he was charged with Forgery in "A" and put on probation. A hearing was set for violation of this bench probation and the defendant was out on bond when he committed the present offense. Before the defendant was arrested for this offense he issued three checks in San Jose for which no hearing has been held.

The defendant served in the Navy as a gunner's mate on a ship. He was wounded twice, once in the stomach and once in the head. Since he has been hit on the head, there has been a tendency towards this misconduct. After the wound was received, he went AWOL while on leave and has shown a tendency towards chronic alcoholism. Following one of the charges of forgery, he was committed to General Hospital...for treatment. There was no intoxication involved in the passing of this check. Though there was some intoxication for the checks passed in San Jose, the defendant by his own statement was aware of the nature of his acts in passing the checks..."

Inmate's version:

Personal Information Questionnaire: "Upon leaving my job with Joe Edgar, I proceeded to the nearest saloon where I got intoxicated and from there proceeded to B—my home town. I drank some more and had this check for \$16.48 on me. Becoming low on funds I raised this check to \$116.48, not cashing this check until the next day when I was down town and drinking. I cashed this check in the Safeway store in B—. After giving myself up on this crime I was taken up to trial and later talking to District Attorney I was informed that it would help me to make restitution on this check. Conversing with my wife she raised the \$100. from my own parents and paid the check off. I still received San Quentin. I really believe that my sentence was just and right as I believe I am an alcoholic as I do not commit any such things while sober. Therefore I know this time will straighten me out that I may face the outside a new man."

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

Office of the Attorney General

The following is the record of: CII 216430 FBI 29302A
L2 U002 6 BRN. BLD Blue 6-1 175 Nebraska 1921
P3 V973 2 Lloyd Johnson

| Arrested or Rec. | Dept. and Number | Name | Charge | Disposition |
|------------------|---------------------------------|---------------|----------------|--|
| 1-12-48 | PD San Jose, 6543..... | Lloyd Johnson | Inv. | |
| 8-28-48 | SO Boise, Idaho 7456..... | Lloyd Johnson | Forgery | 3 mos. Co. Jl. |
| 5- 9-49 | PD Garden City, Kans. 6734..... | Lloyd Johnson | Forgery | Rel. to SO for pros. 9-2-49, case Dism. |
| 12-17-49 | SO Fresno, 29320..... | Lloyd Johnson | P.T. | 12-17-49, 2 yrs. Prob. 1st 30 ds Jl. |
| 4-23-51 | SO Fresno, 29320..... | Lloyd Johnson | Battery | 4-24-51, 1 yr. prob. 1st 3 mos. Co. Jl. |
| 8- 1-52 | SO "A", 27603..... | Lloyd Johnson | Forgery | |
| 8-22-52 | California State Prison A-00000 | Lloyd Johnson | Forg. (470 PC) | From "A" Co. Term 1-14 Yrs. |

CASE SUMMARY

Time in state before offence: 10 Years. Age 1st arrest: 26 Escapes: none
 Type if inst. 1st commitment: Co. Jail. Age 1st commitment: 26
 Reason for 1st commitment: P.T. (Chex)
 Education: Age left school: 18 Highest grade claimed: 12th Verif: No
 Measured grade level: 9·2

Intelligence Level: Average

| Parents: | Occupation | Address |
|-----------------------------|-----------------|---------------|
| 1. Leon F. Johnson (52) | Road Supervisor | Seeley, Nebr. |
| 2. Bernice (Krough) Johnson | Housewife | " " |
| 3. (48) | | |
| 4. | | |

| Siblings: | Occupation | Address |
|-----------------------|------------|----------------|
| 1. Elsie Bailey (26) | Housewife | Lincoln, Nebr. |
| 2. Wayne Johnson (21) | Student | " " |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |

Family Arrest History: None

Inmates Residential Pattern: Childhood W/Parents in small town, Nebraska, to age 19. Recent: S.... & B...., Calif, — rented home.

Juvenile Crime History: None

| Marriages: No. 1 | Date | Place | Outcome |
|------------------------|--------------------|------------------|---------|
| 1. Betty Jean Lawrence | 1942 (Then age 18) | San Jose, Calif. | Intact |
| 2. | | | |
| 3. | | | |

Commonlaw: None

| Children: | Age | Residing | Support |
|------------------|-----|---------------|----------------------------------|
| 1. Duane Allen | 7 | B...., Calif. | With Mother (Has applied for ANC |
| 2. Lynette Allen | 6 | " " | |
| 3. Linda | 4 | " " | |

| | | |
|--|-------------------------|----------------------|
| Military History: Verified | Branch of Service: Navy | Serial No. 618-06-63 |
| Date entered: 12-21-41 | at: Denver, Colo. | High rank: S/1C |
| Date disc'h: 7-5-46 | at: Shoemaker, Calif. | Type of disc'h: |
| Disciplinary actions: 1 GCM, Claim No.: None | | U.H.C. |
| 1 DCM, 1 SCM, AWOL. | | Overseas Duty: |
| Military specialties: None | | 36 mo. pac |

Disability: None

| Occupation: | Primary: Farm Hand | Length Exp.: 7 Years |
|-------------|---|--------------------------------|
| | | Verif. No.: SS No. 523-18-1408 |
| 1. | 2-52 to 5-52 Truck Swamper, Joe Edgar, Bakersfield, Calif. | |
| 2. | 6-51 to 2-52 Farm Laborer, Charles Parley, Reed Ave., "A", Calif. | |
| 3. | 4-50 to 7-51 Warehouseman, McKesson & Robbins, 421 P. St. | |

Union status: Has withdrawal card Local No. 180 Teamsters & Whse. Union, S....

Occupational disability: None—except admits heavy periodic drinker for last 10 yrs.

Religion: Preference: Baptist Current wife's: Baptist Parents: Baptist
 Financial: Cond.-wife & family: Wife has applied for ANC for 3 children,
 resides in B., Calif.

Liquor and Narcotics: Periodic alcoholism for past 10 years. Always associated
 with offences, no narcotics.

Comments:

MEDICAL EVALUATION

Height: 73" Weight: 175 lbs. Hair: Brown. Eyes: Blue.

| | | |
|---------------|-----------------|----------------------------|
| Examinations: | Vision: | Both eyes 20/20 |
| | Hearing: | No significant abnormality |
| | Chest X-Ray: | Negative |
| | Blood Pressure: | B. P. S. 104 ... D 60 |
| Lab. Tests | Serology: | Negative |
| | Urinalysis: | Normal |
| | Blood Count: | Normal: |

Dental: Teeth to be filled 3, extracted 0.

Evaluation: Good physical condition. No further examination
 indicated. Qualified for any type work.

W. F. GRAVES, M.D.,
Sr. Physician & Surgeon

8/25/52

SOCIAL EVALUATION

This man is pleasant and friendly in the interview. The oldest of three children he was reared in an intact home of working class parents. He has a history of writing bad checks which is related to periodic drinking. In recent years drinking and marital difficulties have involved him in charges of battery and failure to provide. In discussing experiences he is quite serious, expresses concern about his family and voices determination to straighten himself out.

The family lived in a small town. The income in the home was steady and ample for essential needs. Home environment was religious. Discipline consisted of parental lectures. The parents' treatment seems to have consisted of emotional neglect and the placing of too many demands upon him. Their attempts to discipline him apparently lacked understanding. Father reports that when a child subject was nervous and that by the age of six he developed habits of frequently lying and taking small amounts of money from the home. While there were frequent threats to run away from the home he did not carry them out. There is evidence that subject had a strong unfilled need for affection. Mother reports that she found an unsent suicide letter in subject's clothing. He admits that he once wrote such a letter but he denies that he ever actually threatened to commit suicide.

When speaking of family relationships he voices the opinion that the parents were overly restrictive with him. He feels that he was treated differently from a younger brother. Many privileges, as dating, spending money, hours of freedom and use of the family car, denied to him, were granted to the brother. His relationship to his sister has been close. He states that she too is emotionally maladjusted and that this is reflected by marital difficulties which have resulted in three divorces.

At school he was an occasional truant. It appears that subject was a follower in relating to neighborhood children. After completing high school he worked around the home town for a period of time then enlisted in the Navy. Service adjustment was marked by three disciplinary infractions for AWOL.

While in the service he married an 18 year old girl. There relationship is described as good except for his excessive drinking. He began to drink during the first year of marriage and has since found himself totally unable to control the amount of drinking once he gets started. Although he is generally pleasant and good-humored he is moody and disagreeable when intoxicated. His wife is described as a quiet, uncomplaining woman who puts up with a great deal from him. Although there were only two brief periods of separation subject recounts numerous failures to assume family responsibility and to adequately provide for them. For the sake of his family he now expresses hope that he can avoid drinking and become a "good family man".

Since confinement he has discovered the Alcoholics Anonymous group and feels that this organization can offer the answer to his problem. Subject has strong religious tendencies deriving from his upbringing and it is possible that with some form of spiritual support he can avoid excessive drinking. If so, social adjustment may be expected to be successful. However subject appears to have many unrecognized emotional needs and problems which he avoids with the mechanism of making determined personal resolutions. Subject will need encouragement to assume responsibility for his own behaviour. Opportunity to discuss personal problems and counselling with regard to family relationships would be of benefit to him both while in the institution and when on parole. Disciplinary, Prognosis: No problems of custody or discipline are indicated.

Recommendations: Transfer - Chino. Custody - Medium

10/17/52

J. E. HACKER,
Sr. Sociologist

VOCATIONAL EVALUATION

Subject has worked approximately seven years as a farm hand, also has had short-term employment as a truck driver, warehouseman, electrician's helper, and general laborer. As a farm worker, he can operate tractors including diesel operated machines. For many years he has been a heavy periodic drinker.

At the present time he expresses interest in taking vocational auto mechanics, and has no particular interest in any other type of vocational instruction. Aptitude test score indicate that he would be a better than average candidate in both clerical and mechanical fields. Interest test scores are somewhat consistent with the desire for mechanical work, although it is evident that subject also has strong interest in farm work, and in service work. Educational achievement level and general intellectual capacity are qualifying for such training.

Since he is 31 years of age, and has worked marginally, as far as development of skill is concerned, in the past, there is room for some doubt as to his ability to follow a long range training program such as auto mechanics. Also, his age will be somewhat handicapping. Nevertheless, it is felt that he should be given consideration for expletory assignment in this area. If his interest does not hold up, he should then be considered for reassignment to the type of work he has handled in the past.

Recommendations:

Work: In area training, farm hand, tractor operator, or institutional convenience.

Training: Exploratory assignment—Auto Mechanics.

Education: Not interested at present.

Institution: Chino Custody—Medium.

10/28/52

I. MEMDELL
Vocational Counselor

GUIDANCE COUNSELOR'S EVALUATION

Adjusted well in the group and in personal conference seemed sincere and sane. Feels that alcohol is his real problem and but for this would be a good risk both now and later.

Expressed interest in electrical work and expects to deal in electric appliances upon parole or release.

Recommendations: Transfer: Soledad. Custody: Medium. Educational Rec: Wants University Extension courses. Leisure Time Rec: Basketball and baseball.

R. K. ATKINSON
Vocational Counselor

10/21/52

PSYCHOLOGICAL EVALUATION

The subject is an individual of average intelligence who was very pleasant, soft-spoken, serious and slightly restless in the interview situation. He expressed himself well and was able to relate to the examiner in a quick and easy manner. He has the ability to form interpersonal relationships of some meaning, but in these relationships he usually takes a passive and submissive role. This lack of dominance is a reflection of his inability to express his aggressive impulses in a mature and adult manner. He is aware of some of the factors in his background which have contributed to his alcoholic problem, citing the rejection and lack of affection from his parents during his formative years. However, he has not yet been able to integrate this factor in an emotional way, suggesting that real insight has not yet occurred. He has no adequate mechanisms of defense and, when his anxieties become too great for him to bear, he reverts to drinking. At the present time he displays much interest in Alcoholics Anonymous and feels that continued contact with this organization following his release will be instrumental in enabling him to effect a more stable adjustment. It is indicated that his problems can be handled only on such a superficial level and he should be encouraged to maintain membership in that organization. He has the abilities of performing his tasks in a successful, systematic, and methodical way. No gross abnormalities are apparent in his ideation, and he is usually well aware of the events in his environment. It is suggested that further counseling and guidance be given in order to help the subject become more aware of his emotional problems. This is particularly true in regard to his relationship with his wife.

No institutional problems are anticipated and he will probably do his time in a productive way. A well planned care and treatment program will be instrumental in effecting his eventual rehabilitation. Release plans should pay particular attention to his leisure time activities, and he should be given continued emotional support and direction.

Recommendations: Transfer—Chino. Custody—Medium.

HERBERT S. SINGER
Sr. Clinical Psychologist

10/24/52

PSYCHIATRIC EVALUATION

Johnson is a 31 year old white inmate seen in psychiatric evaluation because of a history of mental observation in VA hospital and "J" State Hospital, of alcoholism and of battery on one occasion.

Johnson is a stocky, healthy man who is apparently basically depressed, but who presents a superficial conflict around his self-confidence and independence. There is evidence that he has some useful understanding of himself, but that various depressive and passive processes interfere with its application. Throughout both interviews he presented himself as one practically begging for help; during much of the first interview he seemed about to cry. Having revealed a great deal of himself during the first interview, he spent the second in denying the more painful facts and in making many empty and high resolves for the future.

It appears that during his childhood the subject was unable to set up an effective intimate relationship with his parents. From his description, his childhood was one in which he was over-protected and nominated, where his mildly rebellious actions were the responsibility of his mother, whose duty it was to prevent them. It appears that this basic relationship was transferred wholesale to his wife. The subject treated his naval service from 1941 to 1946 as an alliance with an institution which sponsored his rebellion against his mother. Her response to this was considerable indirect resentment of the Navy for allowing her son to drink beer, etc. On his discharge from the Navy in 1946, the mother decided that his poorly organized attempts at independence and his alcoholism represented "mental illness", which it would be up to the Navy to rectify. In the meantime, the subject had married in 1942 a girl who tends to quietly suffer with his more outlandish behavior, and who is in general too inhibited to realistically deal with her husband's provocations. This has led to a mutually destructive pattern, whenever they are together, of the subject getting blind drunk whenever the opportunity offers, his wife believing herself responsible to minister to his needs while in this condition, go find him in bars, etc. It is significant that at the age of 16 the subject wrote a note, which he never delivered, threatening suicide by poison if he did not obtain use of the family car. It is to be noted that in this he pacifically denies any wish for "luxuries" but does indicate that killing himself to get what he wants might be "the easiest way". It is apparent that, concealed beneath the family's repressive handling of him, the subject had acquired a fatal taste for a combination of "the easiest way", plus the luxuries. He has repeatedly pursued these interests with his parents, siblings, and wife, at first gaining their indulgence because of their inability to deal with him directly, and finally being directly and strongly rejected.

The degree to which his marriage has been destructive to the subject is suggested by one incident. During his commitment to "J" by his wife for alcoholism, she was unfaithful to him. When he discovered this, got drunk and began to reproach her for it, they had a "discussion" during which "we decided" that the subject would be sterilized because his wife wanted to have no more babies. He fails to realize that when she has hurt him, his response is to inflict damage to himself which deeply attacks his masculine pride, and which only makes it impossible for him to impregnate her, while she remains fertile. In the meantime, the marriage has been equally destructive for the children, who have been made use of by both parents and both mothers-in-law, in their many-sided battles.

It is apparent that the subject is incapable of recognizing such factors as those involved in sterilization. It appears that, were he to contemplate this with any candor, he would become deeply depressed and possibly suicidal. This alone could certainly account for the series of bright and wishful resolu-

tions which he brings to the second interview. At this time he expressed only his wish to keep his family together, to stay out of trouble, to let time take its course, to "put myself in God's hands: he knows best", in general to defer any further thought about his miserable condition. At the same time, his wife's letters are currently encouraging this regressive course. As is usual, while the subject is in trouble and "suffering", the wife makes many unrealistic promises of happiness to come. It appears that, in this construction, she sees herself completely responsible for the subject's rehabilitation, and assists his further slide into passivity by implying this to him. However, of course it is possible that she is again being unfaithful, to later precipitate the next outbreak of violence. It is to be noted that in March of 1951 the mother-in-law pressed, and then dropped, battery charges when the subject beat his wife under such circumstances. It certainly is not impossible that more serious consequences may follow a reunion after this current commitment, in view of the subject's increasing disturbance at his inadequate adjustment.

The institutional prognosis is good. The social prognosis following release is poor.

Impression: Character disorder severe mixed type hysterical, paranoid, and strong impulsive and depressive features.

Recommendations: Periodic counseling re. practicality of his marital adjustment. Transfer—Chino. Custody—Medium.

D. SHERBON, M.D.—Psychiatrist

CUSTODIAL EVALUATION

Overall adjustment in Guidance Center for period 8-22-52 to 10-2-52 was average. Has had no disciplinary infractions. Attitude and behavior has been good. Pled guilty to crime and blames only himself. Accepts his present situation and hopes to profit by his mistakes. Is an experienced operating engineer and wants to work with heavy equipment while confined. Friendly to custodial staff. Is quite concerned about his family and why they don't write. Personal traits—neat appearance. Courteous and polite to interviewer—quiet mannered. Sincere. Relationship with fellow inmates—gets along well with all. Confinement should warrant medium custody. No custodial problems indicated.

Recommendations: Transfer—Soledad. Custody—Medium.

10-2-52

J. T. SNEAD,
Correctional Officer (CLD).

No Religious Evaluation received.

Salient Points:

Prior Adjustment: Probation—Violated. Guidance Center Adjustment—Acceptable. Institutional Prognosis—Satisfactory.

STAFF RECOMMENDATIONS

Transfer: Chino.

Custody: Medium.

Verify: No Recommendation.

Social: Counseling in regard to family relationships.

Medical: No recommendation. No assignment restrictions.

Dental: Teeth to be filled: 3.

Psychiatric: Referral indicated. See Dr. Sherbon's report.

Educational: None at present.

Vocational Training: Exploratory (1) Auto Mechanics; (2) On-the-job training, refrigeration maintenance.

Work Assignment: (1) Tractor operator; (2) Electrician's helper; (3) Farm hand.

Recreation: Sports, movies, reading. Hobby: Leathercraft.

Religion: Preference: Baptist. Recommendation: Frequent talks with Chaplain.

Release Plan: Home: B——, California.

Destination: Probably Los Angeles, California.

Job: Auto mechanic, providing he can acquire the trade, or tractor operator.

Verification: None.

Trade Tools Information: None.

11/23/54 Supplemental:

In view of the psychiatric needs in this case and the availability of the training program as recommended by the Reception-Guidance Center Staff at San Quentin it is recommended that this man be transferred to San Quentin rather than Chino. His family lives in northern California and visits at the San Quentin institution would be more available for them. This transfer was discussed with the Associate Warden, Reception-Guidance Center, who agreed.

John Doe,

Bureau Classification and Treatment.

INITIAL PROGRESS REPORT

11/25/52

Custody: Medium A. This subject is to be reclassified in March, 1953 for possible reduction in classification. It is noted he has no escapes in his record but in view of the psychiatric evaluation and other factors in his case it was the decision of the Initial Classification Committee that he should be Medium A classification until he has an opportunity to become accustomed to the institutional setting.

Social: The subject is referred to the Institutional Parole Officer for assignment of a counselor for discussion of plans and a follow through on his family relationships.

Medical: The subject is in good physical condition. There are no assignment restrictions.

Dental: The subject is referred to the Dentist. Initial examination indicated he required three fillings.

Psychiatric: A referral to the Psychiatric Dept. in accordance with the report from Dr. Sherbon.

Education: The subject is referred to Mr. Smith, Supv. of Academic instruction for discussion of an educational program. Placement in educational classes may be made on the recommendation of the Supv. without further reference to the Committee.

Vocational: The subject is assigned to Vocational Auto Mechanics in accordance with the recommendations of the Reception-Guidance Center which were approved by the Adult Authority. The Supv. of Vocational Instruction states this subject is capable of attaining competence in this vocation and he is being placed in the class on a 90 day trial period. In view of the vocational assignment there will be no additional Work Assignment, the Auto Mechanics class occupying a full day.

Recreation: The subject is referred to the Supv. of Athletics for discussions of possible sports programs. The subject has no particular athletic ability, although he is interested in hand ball and tennis.

INITIAL PROGRESS REPORT

11/25/52

Religion: The subject is referred to the Protestant Chaplain. He is Baptist by preference as were his parents. mc c

3/6/53

Reclassification:

Custody: Minimum = X = EFF

Transfer: None indicated

Recommendation: This subject has done above average work in the Auto Mechanics class. He was convicted for a possible transfer to the Summer Forestry Camp program but in view of his excellent work in the vocational training it was the decision to continue him in the program. He is recommended for Emergency Firefighting which will not take him from the institution for a period sufficiently long to interfere with his training program. This matter was discussed with the staff of the Classification and Treatment section of Sacramento who agreed. It is noted that subject, after conferences with the Education Dept., enrolled in high school and is now in 3rd year high school classes. He expects to obtain his diploma within the next six months. The "X" designation indicates this subject is available for Disaster Control in the case of a national emergency. mh c

8/5/53 Board Action:

Term fixed at four years. Granted last two years and three months on parole.

Reclassification:

Custody: Minimum = X = EFF

Transfer: Summer Forest

Recommendation: This subject is to continue in the Auto Mechanics class. He was on Emergency Firefighting on two occasions this year. Subject has continued to receive above average grades in the Auto Mechanics training program and the Supv. indicates that he possibly could be released as a Journeyman. The subject's release date is 5/22/54. It is recommended that the Auto Mechanics program be continued with the subject approved for Summer Forestry Camp. At the closing of the Season, October, 1953, he may be returned to the Auto Mechanics class to complete a brush-up course. The Summer Camp training will be beneficial in developing his physical condition and also provide him funds against his release. At his appearance before the Committee the subject stated that his relationship with his wife continues to be good and that he intends to join her when his parole date arrives. mh c

PRE AUTHORITY HEARING PROGRESS REPORT, AUGUST, 1953

CAL. No. 124, SAN QUENTIN

Medical:

1—General Physical:

Initial examination: September 2, 1952. Subject in good physical condition. Chest X-ray and Serology, negative.

2—Institutional Care: Sick line on one occasion for a cold.

- 3—Psychiatric: This subject has had an occasional visit with counselor from the Psychiatric Department. He appears to have no particular problem that requires prolonged psychiatric care. He has responded well to counseling and the psychiatrist indicates that he should make a good adjustment on parole.
- 4—Dental: Subject has been to the dentist twice and has had satisfactory treatment. He has received four fillings.
- 5—Occupational limitations: Subject has been and continues to be physically qualified for any type of work.

J. R. SMITH, M.D.

Chief Medical Officer

Education: Guidance Center program followed. This subject received his high school diploma in April, 1953. His grades were 'B+'.

Vocational: Subject has been assigned to the Vocational Auto Mechanics class receiving Above Average grades and being qualified as a two-third apprentice at this time.

Work Assignments and Performance: See Vocational from the Educational Department. He has had no other work assignments.

Disciplinary: This subject has had one minor infraction of the rules. He received a suspended sentence of 30 days Lost Privileges for failing to return two books to the library within the specified time.

Housing Report: This subject is clean and neat in his personal appearance and keeps his cell in good condition.

Chaplain's Report: Subject has regularly attended church and has had several visits from the visiting Baptist Chaplain.

Replies from Officials: Under date of June 2, 1953 District Attorney writes:—"We have no further recommendations in addition to our statement under Section 1203.01 previously submitted."

Other Letters: Subject's wife has submitted three letters indicating that she still has a strong feeling of affection for him and intends to rejoin him.

An offer of employment was submitted from the Sun-Glow Citrus Company of San Jose. However, in view of the subject's training in the auto mechanics field it is not believed that this would be a satisfactory adjustment. The matter will be discussed with him after his parole date is set.

Social-Marital: Subject continues to correspond with his wife and other members of his family. He has a strong affection for his three children and from discussions with him, as well as from letters in the file, it is indicated that this is a healthy relationship.

Residence: Subject desires to go to the San Jose area to rejoin his family and find employment.

Leisure: Subject has taken no active physical participation in athletic events here. He has frequented the library regularly and has been a spectator at the various institutional activities.

Remarks: Subject freely admits his guilt. He has a strong feeling of responsibility for his family. He has some understanding of the background of his problem and with his intelligence he should be able to face future problems with sufficient insight to prevent him from falling into further difficulty. He greatly appreciates his assignment to the vocational training program and desires to continue it. He also is interested in a Summer Camp assignment so that he can earn some money, not only for his release, but also for the assistance of his family. It is recommended he continue in his present program.

JOINT COMMITTEE

PRE PAROLE PROGRESS REPORT

Height: 6'2" Weight: 178 lbs. Age: 32 Race: White
Legal Status: Parole Date: 5/22/54 Discharge Date: 8/22/56
Term fixed at four years.
(Adult Authority Action—8/3/53)
Granted last two years and three months on parole.
(Adult Authority Action—8/3/53)

Special Conditions: None.

Medical: Medical reports indicate subject is in good physical condition capable of any type of employment. Psychiatric reports indicate he has had a number of conferences and counselling sessions with members of the Psychiatric Staff. He has no particular psychiatric problem.

Institutional Program:

Vocational Competence: Subject has been in the Vocational Auto Mechanics class since his transfer from the Reception Guidance Center. He has had short periods in the Emergency Fire Fighting crews and was at Summer Forest Camp for three months during the last year. Other than that he has been in the vocational training program. His supervisor indicates that he can be placed as a journeyman in auto mechanics. He is only a fair body and fender man and has had considerable training in the electrical phases of the trade and possibly could pass as a journeyman there. However, his supervisor indicates that he should be placed as a general repair man. The Trade Advisory Committee associated with the San Quentin Vocational Auto Mechanics class has indicated it will be able to assist him in obtaining union membership and possibly also in placement.

Academic Education: Subject has received a high school diploma here. He has not much interest in academic education but has a deep interest in his vocational trade.

Recreation and Religious Interest: Subject has taken an active interest in the Protestant services at this institution. He should be encouraged to continue this activity on the outside, particularly in view of the social contacts that may be obtained through his church affiliation.

Disciplinary: Subject has had one minor infraction of the rules which is indicated in the Pre Authority Hearing Progress Report.

Social Agency Contact: Subject's children have been receiving Aid To Needy Children since his commitment. His wife has barely been able to manage on the State allotment. It is recommended that the State Agency be contacted to determine whether State Aid could be continued for 60 or 90 days following subjects' release to permit him to become established before the full support of his wife and three children is placed fully upon him. The family relationship appears to be good.

Visitors and Correspondents: Subject has corresponded with his wife and other members of his family on a regular basis. The visiting situation is approximately the same.

Inmate's Resources and Plans for Parole:

- (1) Subject will have no funds of his own upon his release. A check of his trust account indicates that he has averaged only \$3.50 per month in commissary draws. He has sent the rest to supplement his family's budget. He will receive the usual State gratuity of \$40.00. It probably would be advisable for the Bureau of Parole to ascertain whether he could begin employment in the auto mechanic field without an additional grant from the Adult Authority for tools. He is willing to

- receive a loan from the Bureau of Parole revolving fund to purchase any necessary tools with the understanding that he repay the amount.
- (2) Subject desires to go to San Jose where his family resides and where there is no community prejudice against him as far as can be ascertained in the institution. The Trade Advisory Committee in auto mechanics indicates that there is considerable work available in the San Jose area at this time. It is recommended that the placement officer discuss the situation with Mr. Robert A. North who is Secretary of the Trade Advisory Committee. Mr. North has stated he would be glad to contact the San Jose local of the Auto Mechanics Union and assist in the placement of this subject.

Interviewer's Remarks: It is recommended that subject be placed in the program as outlined above. He has appeared to make a good adjustment in the institution and to have a good understanding of his problems. For the first few months he should receive rather close supervision from his field parole officer for counselling. He does not appear to have any particular emotional problems but in view of the fact that it will be some time before he has sufficient financial means to meet his obligations, he may feel rather frustrated and a few words of encouragement from his advisor no doubt would be beneficial. He appears to be an above average parole risk.

Prepared by: R. J. Roberts, Institutional Parole Officer.

